



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBs0381/1  
GMM:wlj:rs

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2011 SENATE BILL 502**

March 7, 2012 – Offered by Senator LAZICH.

1     **AN ACT** *to renumber and amend* 48.355 (2b) and 938.355 (2b); *to amend* 48.21  
2           (5) (d), 48.299 (4) (b), 48.315 (2m) (b), 48.32 (1) (b) 1. c., 48.32 (1) (c), 48.33 (4)  
3           (c), 48.335 (3g) (c), 48.335 (4), 48.355 (2) (b) 6., 48.355 (2b) (title), 48.355 (2c) (b),  
4           48.355 (2d) (b) (intro.), 48.355 (2d) (c), 48.355 (2e) (b), 48.357 (2v) (c), 48.363 (1)  
5           (a), 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (a) 1., 48.365 (2m) (a) 1m.,  
6           48.365 (2m) (a) 3., 48.365 (2m) (ad), 48.365 (7), 48.371 (5), 48.38 (2) (intro.),  
7           48.38 (4) (ar), 48.38 (4) (f) 3., 48.38 (4) (fg) (intro.), 48.38 (4) (fg) 5., 48.38 (4) (fm),  
8           48.38 (4) (i), 48.38 (4m) (title), 48.38 (5) (title), 48.38 (5) (a), 48.38 (5) (am), 48.38  
9           (5) (c) 5., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 6. d., 48.38 (5) (c) 7., 48.38 (5) (f),  
10          48.38 (5m) (title), 48.38 (5m) (a), 48.38 (5m) (b), 48.38 (5m) (f), 48.38 (6) (a),  
11          48.417 (1) (a), 48.43 (1) (cm), 48.43 (5m), 48.63 (5) (d) 4., 48.977 (4) (i) (title),  
12          757.69 (1) (g) 14., 938.21 (5) (d), 938.315 (2m) (b), 938.32 (1) (c) 1. c., 938.32 (1)  
13          (d), 938.33 (4) (c), 938.335 (3g) (c), 938.335 (4), 938.355 (2) (b) 6., 938.355 (2c)

1 (b), 938.355 (2d) (b) (intro.), 938.355 (2d) (c), 938.355 (2e) (b), 938.357 (2v) (c),  
2 938.363 (1) (a), 938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365 (2m) (a) 1.,  
3 938.365 (2m) (a) 1m., 938.365 (2m) (a) 3., 938.365 (2m) (ad), 938.365 (7), 938.371  
4 (5), 938.38 (2) (intro.), 938.38 (4) (ar), 938.38 (4) (f) 3., 938.38 (4) (fg) (intro.),  
5 938.38 (4) (fg) 5., 938.38 (4) (fm), 938.38 (4) (i), 938.38 (4m) (title), 938.38 (5)  
6 (title), 938.38 (5) (a), 938.38 (5) (am), 938.38 (5) (c) 5., 938.38 (5) (c) 6. (intro.),  
7 938.38 (5) (c) 6. d., 938.38 (5) (c) 7., 938.38 (5) (f), 938.38 (5m) (title), 938.38 (5m)  
8 (a), 938.38 (5m) (b), 938.38 (5m) (f) and 938.38 (6) (a); and **to create** 48.355 (2b)  
9 (a), 48.358, 48.38 (5) (c) 5m., 938.355 (2b) (a), 938.358 and 938.38 (5) (c) 5m. of  
10 the statutes; **relating to:** permanency planning for a child placed in  
11 out-of-home care, including concurrent permanency goals, trial reunifications,  
12 and planned permanent living arrangements for such a child.

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### ***Analysis by the Legislative Reference Bureau***

#### ***Introduction***

Under current law, for each child living in an out-of-home placement, the county department of human services or social services, the licensed child welfare agency, or the Department of Children and Families (DCF) that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child (collectively “agency”) must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to his or her home or placement of the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, such as sustaining care, independent living, or long-term foster care.

This substitute amendment makes certain changes relating to permanency planning for a child placed in out-of-home care, including changes relating to: 1) concurrent planning; 2) trial reunifications; and 3) planned permanent living arrangements, for such a child.

#### ***Concurrent planning***

Under current law, an agency, at the same time as the agency is making reasonable efforts to prevent the removal of a child from his or her home or to make it possible for the child to return home, may work with an adoption agency in making appropriate efforts to place the child for adoption, with a guardian, with a fit and

willing relative, or in some other alternative permanent placement (concurrent reasonable efforts). If an agency is making concurrent reasonable efforts, the child's permanency plan must include the goals of the permanency plan.

This substitute amendment eliminates the authority of an agency to make concurrent reasonable efforts and instead permits an agency to engage in concurrent planning, which the substitute amendment defines as appropriate efforts to work simultaneously towards achieving more than one permanency goal for a child. Under the substitute amendment, an agency must determine, in accordance with standards established by DCF (concurrent planning standards) whether to engage in concurrent planning. If, according to the concurrent planning standards, concurrent planning is required, the agency must engage in concurrent planning unless the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or a permanency review panel appointed by the juvenile court determines that concurrent planning is inappropriate. If an agency determines to engage in concurrent planning for a child, the child's permanency plan must include the rationale for that determination and a description of the concurrent plan and the permanency and concurrent permanency goals of the concurrent plan. In addition, the juvenile court review panel, in reviewing a child's permanency plan, must determine the continuing appropriateness, according to the concurrent planning standards, of the permanency goal and any concurrent permanency goals for the child and, if the juvenile court or panel does not approve of any of those goals, or if the juvenile court or panel determines that a concurrent permanency goal is appropriate, that court or panel must determine the permanency goal and, if appropriate, any concurrent permanency goal for the child.

### ***Trial reunifications***

***Current law — changes in placement.*** Under current law, the juvenile court, on the request of the person or agency primarily responsible for implementing a dispositional order, of the juvenile court, may order a change in placement for a child placed outside of his or her home under a dispositional order of the juvenile court. The juvenile court may order the change in placement without a hearing, unless a party receiving the notice files an objection. Current law also permits the person or agency primarily responsible for implementing the dispositional order to make an emergency change in placement if emergency conditions necessitate an immediate change in placement.

***The substitute amendment — trial reunifications.*** This substitute amendment provides a similar procedure under which the juvenile court may order a trial reunification, which the substitute amendment defines as authorization for a child who is placed in an out-of-home placement to reside in the home of the relative of the child from which the child was removed or in the home of either of the child's parents for a specified and limited period of seven consecutive days or longer for the purpose of determining the appropriateness of changing the placement of the child to that home. The substitute amendment, however, does not permit an emergency trial reunification. Under the substitute amendment, if an emergency condition necessitates an immediate removal of the child from his or her

out-of-home placement, the person or agency primarily responsible for implementing the dispositional order must make an emergency change in placement as provided under current law.

Under the substitute amendment, the juvenile court may order a trial reunification on the request of the person or agency primarily responsible for implementing the dispositional order. Notice of the proposed trial reunification must 1) be provided to the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, in the case of an Indian child, the Indian child's Indian custodian and tribe; and 2) contain 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. The juvenile court may order the trial reunification without a hearing, unless a party receiving the notice files an objection.

If the juvenile court finds that the trial reunification is in the best interests of the child and that the trial reunification satisfies the objectives of the child's permanency plan, the juvenile court must grant an order authorizing the trial reunification. A trial reunification terminates 90 days after the date of the order, unless the juvenile court specifies a shorter period in the order, extends the trial reunification, or revokes the trial reunification. At the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order must return the child to his or her previous out-of-home placement, request a change in placement of the child to a new out-of-home placement, or request a change-in-placement of the child to the trial reunification home.

The substitute amendment also permits the person or agency primarily responsible for implementing the dispositional order to request an extension of a trial reunification. The request must contain a statement describing how the trial reunification continues to be in the best interests of the child, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for an extension of a trial reunification. If the juvenile court finds that the trial reunification continues to be in the best interests of the child, the juvenile court must grant an order extending the trial reunification for a period specified by the juvenile court. Any number of extensions may be granted, but the total period for a trial reunification may not exceed 150 days.

In addition, the substitute amendment permits the person or agency primarily responsible for implementing the dispositional order to remove the child from the trial reunification home and place the child in the child's previous out-of-home placement or in a new out-of-home placement, without prior juvenile court order, if that person or agency determines, based on current circumstances, that the trial reunification is no longer in the best interests of the child.

If the person or agency removes the child from the trial reunification home and places the child in the child's previous out-of-home placement, within three days after that removal, that person or agency must submit a request for revocation of the trial reunification to the juvenile court that ordered the trial reunification and must cause notice of the request to be provided to all persons who are entitled to receive

notice of the original trial reunification, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for a revocation of a trial reunification. If the juvenile court finds that the trial reunification is no longer in the best interests of the child, the juvenile court must grant an order revoking the trial reunification and approving that placement.

If the person or agency removes the child from the trial reunification home and places the child in a new out-of-home placement, within three days after that removal, that person or agency must request a change in placement as provided under current law, and the change-in-placement procedures provided under current law apply. If the juvenile court grants a change-in-placement order, the trial reunification is revoked.

***Other planned permanent living arrangement***

Under current law, if a goal of a child's permanency plan is an alternative permanent placement, the permanency plan must document a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative.

This substitute amendment changes the term "alternative permanent placement" to "other planned permanent living arrangement," requires the arrangement to include an appropriate enduring, relationship between the child and an adult, and eliminates independent living as a planned permanent living arrangement option. The substitute amendment also permits a child's permanency plan to include the permanency goal of placement of the child in a planned permanent living arrangement only if the agency determines that there is a compelling reason why it currently would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative as the permanency goal for the child. If an agency makes that determination, the child's permanency plan must include a statement of that compelling reason and, notwithstanding that compelling reason, a concurrent plan towards achieving the concurrent permanency goal of safely returning the child to his or her home or placing the child for adoption, with a guardian, or with a fit and willing relative in addition to the permanency goal of placing the child in some other planned permanent living arrangement.

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

- 1           **SECTION 1.** 48.21 (5) (d) of the statutes is amended to read:
- 2           48.21 (5) (d) If the judge or circuit court commissioner finds that any of the
- 3           circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
- 4           the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)

1 within 30 days after the date of that finding to determine the permanency ~~plan~~ goal  
2 and, if applicable, any concurrent permanency goals for the child.

3 **SECTION 2.** 48.299 (4) (b) of the statutes is amended to read:

4 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor  
5 statutory rules of evidence are binding at a hearing for a child held in custody under  
6 s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a  
7 runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing  
8 about changes in placement, trial reunifications, revision of dispositional orders,  
9 extension of dispositional orders, or termination of guardianship orders entered  
10 under s. 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g). At those hearings, the court  
11 shall admit all testimony having reasonable probative value, but shall exclude  
12 immaterial, irrelevant, or unduly repetitious testimony or evidence that is  
13 inadmissible under s. 901.05. Hearsay evidence may be admitted if it has  
14 demonstrable circumstantial guarantees of trustworthiness. The court shall give  
15 effect to the rules of privilege recognized by law. The court shall apply the basic  
16 principles of relevancy, materiality, and probative value to proof of all questions of  
17 fact. Objections to evidentiary offers and offers of proof of evidence not admitted may  
18 be made and shall be noted in the record.

19 **SECTION 3.** 48.315 (2m) (b) of the statutes is amended to read:

20 48.315 (2m) (b) The court making an initial finding under s. 48.38 (5m) that  
21 the agency primarily responsible for providing services to the child has made  
22 reasonable efforts to achieve the ~~goals~~ permanency goal of the child's permanency  
23 plan more than 12 months after the date on which the child was removed from the  
24 home or making any subsequent findings under s. 48.38 (5m) as to those reasonable

1 efforts more than 12 months after the date of a previous finding as to those  
2 reasonable efforts.

3 **SECTION 4.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

4 48.32 (1) (b) 1. c. If a permanency plan has previously been prepared for the  
5 child, a finding as to whether the county department, department, or agency has  
6 made reasonable efforts to achieve the permanency goal of the child's permanency  
7 plan, including, if appropriate, through an out-of-state placement,

8 **SECTION 5.** 48.32 (1) (c) of the statutes is amended to read:

9 48.32 (1) (c) If the judge or circuit court commissioner finds that any of the  
10 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
11 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)  
12 within 30 days after the date of that finding to determine the permanency plan goal  
13 and, if applicable, any concurrent permanency goals for the child.

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

15 48.33 (4) (c) Specific information showing that continued placement of the child  
16 in his or her home would be contrary to the welfare of the child, specific information  
17 showing that the county department, the department, in a county having a  
18 population of 500,000 or more, or the agency primarily responsible for providing  
19 services to the child has made reasonable efforts to prevent the removal of the child  
20 from the home, while assuring that the child's health and safety are the paramount  
21 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.  
22 applies, and, if a permanency plan has previously been prepared for the child,  
23 specific information showing that the county department, department, or agency has  
24 made reasonable efforts to achieve the permanency goal of the child's permanency  
25 plan, including, if appropriate, through an out-of-state placement,

1           **SECTION 7.** 48.335 (3g) (c) of the statutes is amended to read:

2           48.335 **(3g)** (c) That, if a permanency plan has previously been prepared for the  
3 child, the county department, department, or agency has made reasonable efforts to  
4 achieve the permanency goal of the child's permanency plan, including, if  
5 appropriate, through an out-of-state placement,.

6           **SECTION 8.** 48.335 (4) of the statutes is amended to read:

7           48.335 **(4)** At hearings under this section, s. 48.357, 48.358, 48.363, or 48.365,  
8 on the request of any party, unless good cause to the contrary is shown, the court may  
9 admit testimony on the record by telephone or live audiovisual means, if available,  
10 under s. 807.13 (2). The request and the showing of good cause may be made by  
11 telephone.

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

13           48.355 **(2)** (b) 6. If the child is placed outside the home, a finding that continued  
14 placement of the child in his or her home would be contrary to the welfare of the child,  
15 a finding as to whether the county department, the department, in a county having  
16 a population of 500,000 or more, or the agency primarily responsible for providing  
17 services under a court order has made reasonable efforts to prevent the removal of  
18 the child from the home, while assuring that the child's health and safety are the  
19 paramount concerns, unless the court finds that any of the circumstances specified  
20 in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been  
21 prepared for the child, a finding as to whether the county department, department,  
22 or agency has made reasonable efforts to achieve the permanency goal of the child's  
23 permanency plan, including, if appropriate, through an out-of-state placement. The  
24 court shall make the findings specified in this subdivision on a case-by-case basis  
25 based on circumstances specific to the child and shall document or reference the



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

6 **SECTION 10.** 48.355 (2b) (title) of the statutes is amended to read:

7 48.355 **(2b)** (title) ~~CONCURRENT REASONABLE EFFORTS PERMITTED~~ PLANNING.

8 **SECTION 11.** 48.355 (2b) of the statutes is renumbered 48.355 (2b) (b) and  
9 amended to read:

10 48.355 **(2b)** (b) A county department, the department, in a county having a  
11 population of 500,000 or more, or the agency primarily responsible for providing  
12 services to a child under a court order ~~may, at the same time as the county~~  
13 ~~department, department, or agency is making the reasonable efforts required under~~  
14 ~~sub. (2) (b) 6. to prevent the removal of the child from the home or to make it possible~~  
15 ~~for the child to return safely to his or her home, work with the department, a county~~  
16 ~~department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under~~  
17 ~~s. 48.61 (5) in making reasonable efforts to place the child for adoption, with a~~  
18 ~~guardian, with a fit and willing relative, or in some other alternative permanent~~  
19 ~~placement, including reasonable efforts to identify an appropriate out-of-state~~  
20 ~~placement shall determine, in accordance with standards established by the~~  
21 ~~department, whether to engage in concurrent planning. If, according to those~~  
22 ~~standards, concurrent planning is required, the county department, department, or~~  
23 ~~agency shall engage in concurrent planning unless the court or permanency review~~  
24 ~~panel determines under s. 48.38 (5) (c) 5m. that concurrent planning is~~  
25 inappropriate.

1           **SECTION 12.** 48.355 (2b) (a) of the statutes is created to read:

2           48.355 **(2b)** (a) In this subsection, “concurrent planning” means appropriate  
3 efforts to work simultaneously towards achieving more than one of the permanency  
4 goals listed in s. 48.38 (4) (fg) 1. to 5. for a child who is placed in out-of-home care  
5 and for whom a permanency plan is required under s. 48.38 (2).

6           **SECTION 13.** 48.355 (2c) (b) of the statutes is amended to read:

7           48.355 **(2c)** (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
8 the county department, department, in a county having a population of 500,000 or  
9 more, or agency primarily responsible for providing services to the child under a  
10 court order has made reasonable efforts to achieve the permanency goal of the  
11 permanency plan, the court’s consideration of reasonable efforts shall include the  
12 considerations listed under par. (a) 1. to 5. and whether visitation schedules between  
13 the child and his or her parents were implemented, unless visitation was denied or  
14 limited by the court.

15           **SECTION 14.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

16           48.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required  
17 to include in a dispositional order a finding as to whether the county department, the  
18 department, in a county having a population of 500,000 or more, or the agency  
19 primarily responsible for providing services under a court order has made reasonable  
20 efforts with respect to a parent of a child to prevent the removal of the child from the  
21 home, while assuring that the child’s health and safety are the paramount concerns,  
22 or a finding as to whether the county department, department, or agency has made  
23 reasonable efforts with respect to a parent of a child to achieve the permanency plan  
24 goal of returning the child safely to his or her home, if the court finds any of the  
25 following:

1           **SECTION 15.** 48.355 (2d) (c) of the statutes is amended to read:

2           48.355 **(2d)** (c) If the court finds that any of the circumstances specified in par.  
3 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.  
4 48.38 (4m) within 30 days after the date of that finding to determine the permanency  
5 plan goal and, if applicable, any concurrent permanency goals for the child.

6           **SECTION 16.** 48.355 (2e) (b) of the statutes is amended to read:

7           48.355 **(2e)** (b) Each time a child's placement is changed under s. 48.357, a trial  
8 reunification is ordered under s. 48.358, or a dispositional order is revised under s.  
9 48.363 or extended under s. 48.365, the agency that prepared the permanency plan  
10 shall revise the plan to conform to the order and shall file a copy of the revised plan  
11 with the court. Each plan filed under this paragraph shall be made a part of the court  
12 order.

13           **SECTION 17.** 48.357 (2v) (c) of the statutes is amended to read:

14           48.357 **(2v)** (c) If the court finds under par. (a) 3. that any of the circumstances  
15 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall  
16 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to  
17 determine the permanency plan goal and, if applicable, any concurrent permanency  
18 goals for the child.

19           **SECTION 18.** 48.358 of the statutes is created to read:

20           **48.358 Trial reunification. (1) DEFINITION.** In this section:

21           (a) "Trial reunification" means authorization for a child who is placed in an  
22 out-of-home placement under s. 48.355 or 48.357 to reside in the home of a relative  
23 of the child from which the child was removed or in the home of either of the child's  
24 parents for a specified and limited period of 7 consecutive days or longer for the

1 purpose of determining the appropriateness of changing the placement of the child  
2 to that home.

3 (b) "Trial reunification home" means the home in which in which a child resides  
4 during a trial reunification.

5 (2) TRIAL REUNIFICATION; PROCEDURE. (a) *Request or proposal.* The person or  
6 agency primarily responsible for implementing the dispositional order may request  
7 a trial reunification. The request shall contain the name and address of the  
8 requested trial reunification home, a statement describing why the trial  
9 reunification is in the best interests of the child, and a statement describing how the  
10 trial reunification satisfies the objectives of the child's permanency plan. No person  
11 may request a trial reunification on the sole grounds that an emergency condition  
12 necessitates an immediate removal of the child from his or her out-of-home  
13 placement. If an emergency condition necessitates such an immediate removal, the  
14 person or agency primarily responsible for implementing the dispositional order  
15 shall proceed as provided in s. 48.357 (2).

16 (b) *Notice; information required.* The person or agency requesting the trial  
17 reunification shall submit the request to the court and shall cause written notice of  
18 the requested trial reunification to be sent to the child, the parent, guardian, and  
19 legal custodian of the child, any foster parent or other physical custodian described  
20 in s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties  
21 who are bound by the dispositional order, and, if the child is an Indian child who has  
22 been removed from the home of his or her parent or Indian custodian, the Indian  
23 child's Indian custodian and tribe. The notice shall contain the information that is  
24 required to be included in the request under par. (a).

1           (c) *Hearing; when required.* Any person who is entitled to receive notice of a  
2 requested trial reunification under par. (b), other than a court-appointed special  
3 advocate, may obtain a hearing on the matter by filing an objection with the court  
4 within 10 days after the request was filed with the court. If an objection is filed, a  
5 hearing shall be held within 30 days after the request was filed with the court. Not  
6 less than 3 days before the hearing the person requesting the trial reunification or  
7 the court shall provide notice of the hearing to all person who are entitled to receive  
8 notice under par. (b). A copy of the request for the trial reunification shall be attached  
9 to the notice. If all of the parties consent, the court may proceed immediately with  
10 the hearing.

11           (d) *Order.* If the court finds that the trial reunification is in the best interests  
12 of the child and that the trial reunification satisfies the objectives of the child's  
13 permanency plan, the court shall order the trial reunification. A trial reunification  
14 shall terminate 90 days after the date of the order, unless the court specifies a shorter  
15 period in the order, the court extends the trial reunification under sub. (3), or the  
16 court revokes the trial reunification under sub. (4) (c) or (6) (b). No trial reunification  
17 order may extend the expiration date of the original dispositional order under s.  
18 48.355 or any extension order under s. 48.365. A trial reunification under this  
19 section is not a change in placement under s. 48.357. At the end of a trial  
20 reunification, the person or agency primarily responsible for implementing the  
21 dispositional order shall do one of the following:

22           1. Return the child to his or her previous out-of-home placement. The person  
23 or agency may do so without further order of the court, but shall provide notice of the  
24 date of the return and the address of that placement to all persons who are entitled  
25 to receive notice under par. (b).

1           2. Request a change in placement under s. 48.357 to place the child in a new  
2 out-of-home placement.

3           3. Request a change in placement under s. 48.357 to place the child in the trial  
4 reunification home.

5           **(3) EXTENSION OF TRIAL REUNIFICATION.** (a) *Extension request.* The person or  
6 agency primarily responsible for implementing the dispositional order may request  
7 an extension of a trial reunification. The request shall contain a statement  
8 describing how the trial reunification continues to be in the best interests of the child.  
9 No later than 10 days prior to the expiration of the trial reunification, the person or  
10 agency that requests the extension shall submit the request to the court that ordered  
11 the trial reunification and shall cause notice of the request to be provided to all  
12 persons who are entitled to receive notice under sub. (2) (b).

13           (b) *Extension hearing; when required.* Any person who is entitled to receive  
14 notice of the extension request under par. (a), other than a court-appointed special  
15 advocate, may obtain a hearing on the matter by filing an objection with the court  
16 within 10 days after the request was filed with the court. If an objection is filed, the  
17 court shall schedule a hearing on the matter. If the court is unable to conduct a  
18 hearing on the matter before the trial reunification expires, the court may extend the  
19 trial reunification for not more than 30 days without a hearing. If a hearing is  
20 scheduled, not less than 3 days before the hearing the person or agency requesting  
21 the extension or the court shall provide notice of the hearing to all persons who are  
22 entitled to receive notice of the extension request under par. (a). A copy of the request  
23 for the extension shall be attached to the notice. If all of the parties consent, the court  
24 may proceed immediately with the hearing.

1           (c) *Extension order.* If the court finds that the trial reunification continues to  
2 be in the best interests of the child, the court shall grant an order extending the trial  
3 reunification for a period specified by the court. Any number of extensions may be  
4 granted, but the total period for a trial reunification may not exceed 150 days.

5           **(4) REVOCATION OF TRIAL REUNIFICATION.** (a) *Revocation request; information*  
6 *required.* 1. If the person or agency primarily responsible for implementing the  
7 dispositional order determines based on current circumstances that a trial  
8 reunification is no longer in the best interests of the child, that person or agency may,  
9 without prior court order, remove the child from the trial reunification home and  
10 place the child in the child's previous out-of-home placement as provided in subd.  
11 2. or place the child in a new out-of-home placement as provided in subd. 3.

12           2. If the person or agency primarily responsible for implementing the  
13 dispositional order places the child in the child's previous out-of-home placement,  
14 within 3 days after removing the child from the trial reunification home, that person  
15 or agency shall submit a request for revocation of the trial reunification to the court  
16 that ordered the trial reunification and shall cause notice of the request to be  
17 provided to all persons who are entitled to receive notice of the trial reunification  
18 under a sub. (2) (b). The request shall contain the date on which the child was  
19 removed from the trial reunification home, the address of the child's current  
20 placement, and the reasons for the proposed revocation. Paragraphs (b) and (c) apply  
21 to a request for revocation submitted under this subdivision.

22           3. If the person or agency primarily responsible for implementing the  
23 dispositional order places the child in a new out-of-home placement, within 3 days  
24 after removing the child from the trial reunification home, that person or agency  
25 shall request a change in placement under s. 48.357 (1) (am). The procedures

1 specified in s. 48.357 relating to a change in placement under s. 48.357 (1) (am) apply  
2 to a change in placement requested under this subdivision, except that the request  
3 shall include the date on which the child was removed from the trial reunification  
4 home in addition to the information required under s. 48.357 (1) (am) 1., and the trial  
5 reunification is revoked when the change in placement order is granted.

6 (b) *Revocation hearing; when required.* Any person who is entitled to receive  
7 notice of a revocation request under par. (a) 2., other than a court-appointed special  
8 advocate, may obtain a hearing on the matter by filing an objection with the court  
9 within 10 days after the request is filed with the court. If a hearing is scheduled, not  
10 less than 3 days prior to the hearing the court shall provide notice of the hearing,  
11 together with a copy of the request for the revocation, to all persons who are entitled  
12 to receive notice under par. (a) 2. If all parties consent, the court may proceed  
13 immediately with the hearing.

14 (c) *Revocation order.* If the court finds that the trial reunification is no longer  
15 in the best interests of a child who has been placed in his or her previous out-of-home  
16 placement under par. (a) 1., the court shall grant an order revoking the trial  
17 reunification and approving that placement.

18 **(5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is  
19 held under sub. (2) (c) and the trial reunification would remove a child from a foster  
20 home or other placement with a physical custodian described in s. 48.62 (2), the court  
21 shall give the foster parent or other physical custodian a right to be heard at the  
22 hearing by permitting the foster parent or other physical custodian to make a written  
23 or oral statement during the hearing or to submit a written statement prior to the  
24 hearing relating to the child and the requested trial reunification. A foster parent  
25 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing



1 under sub. (2) (c) and a right to be heard under this subsection does not become a  
2 party to the proceeding on which the hearing is held solely on the basis of receiving  
3 that notice and right to be heard.

4 **(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT.** (a)  
5 *Prohibition.* Except as provided in par. (c), the court may not order a trial  
6 reunification in the home of a person who has been convicted under s. 940.01 of the  
7 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
8 homicide, of a parent of the child, if the conviction has not been reversed, set aside,  
9 or vacated.

10 (b) *Revocation.* Except as provided in par. (c), if a parent in whose home a child  
11 is placed for a trial reunification is convicted under s. 940.01 of the first-degree  
12 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
13 the child's other parent, and the conviction has not been reversed, set aside, or  
14 vacated, the court shall revoke the trial reunification.

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

19 **SECTION 19.** 48.363 (1) (a) of the statutes is amended to read:

20 48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian  
21 custodian, an expectant mother, an unborn child by the unborn child's guardian ad  
22 litem, any person or agency bound by a dispositional order, or the district attorney  
23 or corporation counsel in the county in which the dispositional order was entered  
24 may request a revision in the order that does not involve a change in placement or  
25 a trial reunification, including a revision with respect to the amount of child support

1 to be paid by a parent. The court may also propose a revision. The request or court  
2 proposal shall set forth in detail the nature of the proposed revision and what new  
3 information is available that affects the advisability of the court's disposition. The  
4 request or court proposal shall be submitted to the court. The court shall hold a  
5 hearing on the matter prior to any revision of the dispositional order if the request  
6 or court proposal indicates that new information is available which affects the  
7 advisability of the court's dispositional order, unless written waivers of objections to  
8 the revision are signed by all parties entitled to receive notice and the court approves.

9 **SECTION 20.** 48.365 (2g) (b) 2. of the statutes is amended to read:

10 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and  
11 of any progress the child has made, suggestions for amendment of the permanency  
12 plan, and specific information showing the efforts that have been made to achieve the  
13 permanency goal of the permanency plan, including, if applicable, the efforts of the  
14 parents to remedy the factors that contributed to the child's placement.

15 **SECTION 21.** 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act  
16 79, is amended to read:

17 48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a  
18 foster home, group home, residential care center for children and youth, or shelter  
19 care facility for 15 of the most recent 22 months, not including any period during  
20 which the child was a runaway from the out-of-home placement or ~~the first 6 months~~  
21 ~~of any period during which the child was returned to his or her home for a trial home~~  
22 ~~visit~~ reunification, a statement of whether or not a recommendation has been made  
23 to terminate the parental rights of the parents of the child. If a recommendation for  
24 a termination of parental rights has been made, the statement shall indicate the date  
25 on which the recommendation was made, any previous progress made to accomplish

1 the termination of parental rights, any barriers to the termination of parental rights,  
2 specific steps to overcome the barriers and when the steps will be completed, reasons  
3 why adoption would be in the best interest of the child, and whether or not the child  
4 should be registered with the adoption information exchange. If a recommendation  
5 for termination of parental rights has not been made, the statement shall include an  
6 explanation of the reasons why a recommendation for termination of parental rights  
7 has not been made. If the lack of appropriate adoptive resources is the primary  
8 reason for not recommending a termination of parental rights, the agency shall  
9 recommend that the child be registered with the adoption information exchange or  
10 report the reason why registering the child is contrary to the best interest of the child.

11 **SECTION 22.** 48.365 (2m) (a) 1. of the statutes is amended to read:

12 48.365 **(2m)** (a) 1. Any party may present evidence relevant to the issue of  
13 extension. If the child is placed outside of his or her home, the person or agency  
14 primarily responsible for providing services to the child shall present as evidence  
15 specific information showing that the person or agency has made reasonable efforts  
16 to achieve the permanency goal of the child's permanency plan, including, if  
17 appropriate, through an out-of-state placement, ~~under~~. If an Indian child is placed  
18 outside the home of his or her parent or Indian custodian, the person or agency  
19 primarily responsible for providing services to the Indian child shall also present as  
20 evidence specific information showing that active efforts under s. 48.028 (4) (d) 2.  
21 have been made to prevent the breakup of the Indian child's family and that those  
22 efforts have proved unsuccessful.

23 **SECTION 23.** 48.365 (2m) (a) 1m. of the statutes is amended to read:

24 48.365 **(2m)** (a) 1m. The judge shall make findings of fact and conclusions of  
25 law based on the evidence. The findings of fact shall include a finding as to whether

1 reasonable efforts were made by the person or agency primarily responsible for  
2 providing services to the child to achieve the permanency goal of the child's  
3 permanency plan, including, if appropriate, through an out-of-state placement,  
4 ~~under~~. If the child is an Indian child who is placed outside the home of his or her  
5 parent or Indian custodian, the findings of fact shall also include a finding that active  
6 efforts under s. 48.028 (4) (d) 2. were made to prevent the breakup of the Indian  
7 child's family and that those efforts have proved unsuccessful. An order shall be  
8 issued under s. 48.355.

9 **SECTION 24.** 48.365 (2m) (a) 3. of the statutes is amended to read:

10 48.365 **(2m)** (a) 3. The judge shall make the findings under subd. 1m. relating  
11 to reasonable efforts to achieve the permanency goal of the child's permanency plan  
12 and the findings under subd. 2. on a case-by-case basis based on circumstances  
13 specific to the child and shall document or reference the specific information on  
14 which those findings are based in the order issued under s. 48.355. An order that  
15 merely references subd. 1m. or 2. without documenting or referencing that specific  
16 information in the order or an amended order that retroactively corrects an earlier  
17 order that does not comply with this subdivision is not sufficient to comply with this  
18 subdivision.

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

20 48.365 **(2m)** (ad) If the judge finds that any of the circumstances under s.  
21 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing  
22 under s. 48.38 (4m) within 30 days after the date of that finding to determine the  
23 permanency plan goal and, if applicable any concurrent permanency goals for the  
24 child.

25 **SECTION 26.** 48.365 (7) of the statutes is amended to read:

1           48.365 (7) Nothing in this section may be construed to allow any changes in  
2 placement or trial reunifications. Changes in placement may take place only under  
3 s. 48.357, and trial reunifications may take place only under s. 48.358.

4           **SECTION 27.** 48.371 (5) of the statutes is amended to read:

5           48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, relative, or  
6 operator of a group home or residential care center for children and youth that  
7 receives any information under sub. (1) or (3), other than the information described  
8 in sub. (3) (e), shall keep the information confidential and may disclose that  
9 information only for the purposes of providing care for the child or participating in  
10 a court hearing or permanency ~~plan~~ review concerning the child.

11           **SECTION 28.** 48.38 (2) (intro.) of the statutes is amended to read:

12           48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
13 for each child living in a foster home, group home, residential care center for children  
14 and youth, juvenile detention facility, or shelter care facility, the agency that placed  
15 the child or arranged the placement or the agency assigned primary responsibility  
16 for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written  
17 permanency plan, if any of the following conditions exists, and, for each child living  
18 in the home of guardian or a relative other than a parent, that agency shall prepare  
19 a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

20           **SECTION 29.** 48.38 (4) (ar) of the statutes is amended to read:

21           48.38 (4) (ar) A description of the services offered and any services provided in  
22 an effort to prevent the removal of the child from his or her home, while assuring that  
23 the health and safety of the child are the paramount concerns, and to achieve the goal  
24 of the permanency plan, except that the permanency plan is not required to include  
25 a description of the services offered or provided with respect to a parent of the child

1 to prevent the removal of the child from the home or to achieve the permanency plan  
2 goal of returning the child safely to his or her home if any of the circumstances  
3 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent.

4 **SECTION 30.** 48.38 (4) (f) 3. of the statutes is amended to read:

5 48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe  
6 return of the child to his or her home, or, if appropriate, obtain an alternative  
7 permanent placement for the child a placement for adoption, with a guardian, with  
8 a fit and willing relative, or in some other planned permanent living arrangement  
9 that includes an appropriate, enduring relationship with an adult.

10 **SECTION 31.** 48.38 (4) (fg) (intro.) of the statutes is amended to read:

11 48.38 (4) (fg) (intro.) The goal of the permanency plan or, if the agency is making  
12 concurrent reasonable efforts under engaging in concurrent planning, as defined in  
13 s. 48.355 (2b) (a), the permanency and concurrent permanency goals of the  
14 permanency plan. If a goal of the permanency plan is ~~any goal other than return of~~  
15 ~~the child to his or her home~~ to place the child for adoption, with a guardian, or with  
16 a fit and willing relative, the permanency plan shall include the rationale for  
17 deciding on that goal. ~~If a goal of the permanency plan is an alternative permanent~~  
18 ~~placement under subd. 5., the permanency plan shall document a compelling reason~~  
19 ~~why it would not be in the best interest of the child to pursue a goal specified in subs.~~  
20 ~~1. to 4. and the efforts made to achieve that goal, including, if appropriate, through~~  
21 an out-of-state placement. If the agency determines under s. 48.355 (2b) (b) to  
22 engage in concurrent planning, the permanency plan shall include the rationale for  
23 that determination and a description of the concurrent plan and the permanency and  
24 concurrent permanency goals of the concurrent plan. The agency shall determine one  
25 or more of the following goals to be the goal or goals of a child's permanency plan:

1           **SECTION 32.** 48.38 (4) (fg) 5. of the statutes is amended to read:

2           48.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned  
3 permanent placement living arrangement that includes an appropriate, enduring  
4 relationship with an adult, including sustaining care, independent living, or  
5 long-term foster care, but not including independent living.

6           **SECTION 33.** 48.38 (4) (fm) of the statutes is amended to read:

7           48.38 (4) (fm) If the ~~goal of the permanency plan is to~~ agency determines that  
8 there is a compelling reason why it currently would not be in the best interests of the  
9 child to return the child to his or her home or to place the child for adoption, with a  
10 guardian, or with a fit and willing relative, or as the permanency goal for the child,  
11 the permanency goal of placing the child in some other alternative planned  
12 permanent placement, living arrangement described in par. (fg) 5. and the efforts  
13 made to achieve that goal, including, if appropriate, through an out-of-state  
14 placement. If the agency makes that determination, the plan shall include a  
15 statement of that compelling reason and, notwithstanding that compelling reason,  
16 a concurrent plan under s. 48.355 (2b) towards achieving a goal under par. (fg) 1. to  
17 4. as a concurrent permanency goal in addition to the permanency goal under par.  
18 (fg) 5.

19           **SECTION 34.** 48.38 (4) (i) of the statutes is amended to read:

20           48.38 (4) (i) A statement as to whether the child's age and developmental level  
21 are sufficient for the court to consult with the child at the permanency plan  
22 ~~determination~~ hearing under sub. (4m) (c) or ~~at the permanency plan hearing under~~  
23 ~~sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the child~~  
24 ~~at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that~~  
25 ~~it would not be age appropriate or developmentally appropriate for the court or panel~~

1 to consult with the child, a statement as to why consultation with the child would not  
2 be appropriate.

3 **SECTION 35.** 48.38 (4m) (title) of the statutes is amended to read:

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

6 **SECTION 36.** 48.38 (5) (title) of the statutes is amended to read:

7 48.38 (5) (title) ~~PLAN~~ PERMANENCY REVIEW.

8 **SECTION 37.** 48.38 (5) (a) of the statutes is amended to read:

9 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed  
10 under par. (ag) shall review the permanency plan in the manner provided in this  
11 subsection not later than 6 months after the date on which the child was first  
12 removed from his or her home and every 6 months after a previous review under this  
13 subsection for as long as the child is placed outside the home, except that for the  
14 review that is required to be conducted not later than 12 months after the child was  
15 first removed from his or her home and the reviews that are required to be conducted  
16 every 12 months after that review the court shall hold a hearing under sub. (5m) to  
17 review the permanency plan, which hearing may be instead of or in addition to the  
18 review under this subsection. The 6-month and 12-month periods referred to in this  
19 paragraph include any period during which the child resides in a trial reunification  
20 home under s. 48.358.

21 **SECTION 38.** 48.38 (5) (am) of the statutes is amended to read:

22 48.38 (5) (am) The court may appoint an independent agency to designate a  
23 panel to conduct a permanency ~~plan~~ review under par. (a). If the court in a county  
24 having a population of less than 500,000 appoints an independent agency under this  
25 paragraph, the county department of the county of the court shall authorize and



1 contract for the purchase of services from the independent agency. If the court in a  
2 county having a population of 500,000 or more appoints an independent agency  
3 under this paragraph, the department shall authorize and contract for the purchase  
4 of services from the independent agency.

5 **SECTION 39.** 48.38 (5) (c) 5. of the statutes is amended to read:

6 48.38 (5) (c) 5. The date by which it is likely that the child will be returned to  
7 his or her home or placed for adoption, with a guardian, with a fit and willing relative,  
8 or in some other ~~alternative~~ planned permanent placement living arrangement that  
9 includes an appropriate, enduring relationship with an adult.

10 **SECTION 40.** 48.38 (5) (c) 5m. of the statutes is created to read:

11 48.38 (5) (c) 5m. The continuing appropriateness, according to standards  
12 established by the department, of the permanency goal and any concurrent  
13 permanency goals for the child. If the court or panel does not approve of any of those  
14 goals or if the court or panel determines that a concurrent permanency goal is  
15 appropriate, the court or panel shall determine the permanency goal and, if  
16 appropriate, any concurrent permanency goals for the child.

17 **SECTION 41.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

18 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,  
19 as described in s. 48.365 (1), in a foster home, group home, residential care center for  
20 children and youth, or shelter care facility for 15 of the most recent 22 months, not  
21 including any period during which the child was a runaway from the out-of-home  
22 placement or ~~the first 6 months of any period during which the child was returned~~  
23 to his or her home for a trial ~~home visit~~ reunification, the appropriateness of the  
24 permanency plan and the circumstances which prevent the child from any of the  
25 following:

1           **SECTION 42.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

2           48.38 (5) (c) 6. d. Being placed in some other alternative planned permanent  
3 placement living arrangement that includes an appropriate, enduring relationship  
4 with an adult, including sustaining care, ~~independent living~~, or long-term foster  
5 care, but not including independent living.

6           **SECTION 43.** 48.38 (5) (c) 7. of the statutes is amended to read:

7           48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve  
8 the permanency goal of the permanency plan, including, if appropriate, through an  
9 out-of-state placement,

10          **SECTION 44.** 48.38 (5) (f) of the statutes is amended to read:

11          48.38 (5) (f) If the summary prepared under par. (e) indicates that the review  
12 panel made recommendations that conflict with the court child's dispositional order  
13 or that provide for additional services not specified in the court dispositional order,  
14 the agency primarily responsible for providing services to the child shall request a  
15 revision of the court dispositional order.

16          **SECTION 45.** 48.38 (5m) (title) of the statutes is amended to read:

17          48.38 (5m) (title) PERMANENCY PLAN HEARING.

18          **SECTION 46.** 48.38 (5m) (a) of the statutes is amended to read:

19          48.38 (5m) (a) The court shall hold a hearing to review the permanency plan  
20 and to make the determinations specified in sub. (5) (c) no later than 12 months after  
21 the date on which the child was first removed from the home and every 12 months  
22 after a previous hearing under this subsection for as long as the child is placed  
23 outside the home. The 12-month periods referred to in this paragraph include any  
24 period during which the child resides in a trial reunification home under s. 48.358.

25          **SECTION 47.** 48.38 (5m) (b) of the statutes is amended to read:

1           48.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court  
2 shall notify the child; the child's parent, guardian, and legal custodian; and the  
3 child's foster parent, the operator of the facility in which the child is living, or the  
4 relative with whom the child is living; of the time, place, and purpose of the hearing,  
5 of the issues to be determined at the hearing, and of the fact that they shall have a  
6 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's  
7 counsel, the child's guardian ad litem, and the child's court-appointed special  
8 advocate; the agency that prepared the permanency plan; the person representing  
9 the interests of the public; and, if the child is an Indian child who is placed outside  
10 the home of his or her parent or Indian custodian, the Indian child's Indian custodian  
11 and tribe of the date, time, and place, and purpose of the hearing, of the issues to be  
12 determined at the hearing, and of the fact that they may have an opportunity to be  
13 heard at the hearing as provided in par. (c) 1.

14           **SECTION 48.** 48.38 (5m) (f) of the statutes is amended to read:

15           48.38 **(5m)** (f) If the findings of fact and conclusions of law under par. (e) conflict  
16 with the child's dispositional order or provide for any additional services not specified  
17 in the dispositional order, the court shall revise the dispositional order under s.  
18 48.363 ~~or~~, order a change in placement under s. 48.357, or order a trial reunification  
19 under s. 48.358, as appropriate.

20           **SECTION 49.** 48.38 (6) (a) of the statutes is amended to read:

21           48.38 **(6)** (a) Procedures for conducting permanency ~~plan~~ reviews.

22           **SECTION 50.** 48.417 (1) (a) of the statutes is amended to read:

23           48.417 **(1)** (a) The child has been placed outside of his or her home, as described  
24 in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential  
25 care center for children and youth, or shelter care facility for 15 of the most recent

1 22 months, not including any period during which the child was a runaway from the  
2 out-of-home placement or the first 6 months of any period during which the child  
3 was returned to his or her home for a trial home visit reunification. If the  
4 circumstances specified in this paragraph apply, the petition shall be filed or joined  
5 in by the last day of the 15th month, as described in this paragraph, for which the  
6 child was placed outside of his or her home.

7 **SECTION 51.** 48.43 (1) (cm) of the statutes is amended to read:

8 48.43 (1) (cm) If a permanency case plan has previously been prepared for the  
9 child, a finding as to whether the agency primarily responsible for providing services  
10 to the child has made reasonable efforts to achieve the permanency goal of the child's  
11 permanency plan, including, if appropriate, through an out-of-state placement. The  
12 court shall make the findings specified in this paragraph on a case-by-case basis  
13 based on circumstances specific to the child and shall document or reference the  
14 specific information on which those findings are based in the order. An order that  
15 merely references this paragraph without documenting or referencing that specific  
16 information in the order or an amended order that retroactively corrects an earlier  
17 order that does not comply with this paragraph is not sufficient to comply with this  
18 paragraph.

19 **SECTION 52.** 48.43 (5m) of the statutes is amended to read:

20 48.43 (5m) Either the court or the agency that prepared the permanency plan  
21 shall furnish a copy of the original plan and each revised plan to the child, if he or  
22 she is 12 years of age or over, to the child's guardian, to the child's foster parent or,  
23 the operator of the facility in which the child is living, or the relative with whom the  
24 child is living, and, if the order under sub. (1) involuntarily terminated parental  
25 rights to an Indian child, to the Indian child's tribe.

1           **SECTION 53.** 48.63 (5) (d) 4. of the statutes is amended to read:

2           48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed  
3 the child or that arranged the placement of the child shall provide a copy of the  
4 revised permanency plan or plans and the request for review submitted under subd.  
5 3. and notice of the time and place of the review to the child, the parent, guardian,  
6 Indian custodian, and legal custodian of the child, and the operator of the group home  
7 in which the child is placed, together with notice of the issues to be determined as  
8 part of the permanency ~~plan~~ review and notice of the fact that those persons shall  
9 have a right to be heard at the review by submitting written comments to that agency  
10 or the independent reviewing agency before the review or by participating at the  
11 review.

12           **SECTION 54.** 48.977 (4) (i) (title) of the statutes is amended to read:

13           48.977 (4) (i) (title) *Effect of disposition on permanency ~~plan~~ review process.*

14           **SECTION 55.** 757.69 (1) (g) 14. of the statutes is amended to read:

15           757.69 (1) (g) 14. Conduct permanency ~~plan~~ reviews under s. 48.38 (5) or 938.38  
16 (5) and permanency ~~plan~~ hearings under s. 48.38 (5m) or 938.38 (5m).

17           **SECTION 56.** 938.21 (5) (d) of the statutes is amended to read:

18           938.21 (5) (d) If the court finds that any of the circumstances specified in s.  
19 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing  
20 under s. 938.38 (4m) within 30 days after the date of that finding to determine the  
21 permanency ~~plan~~ goal and, if applicable, any concurrent permanency goals for the  
22 juvenile.

23           **SECTION 57.** 938.315 (2m) (b) of the statutes is amended to read:

24           938.315 (2m) (b) The court making an initial finding under s. 938.38 (5m) that  
25 the agency primarily responsible for providing services to the juvenile has made

1 reasonable efforts to achieve the permanency goals of the juvenile's permanency plan  
2 more than 12 months after the date on which the juvenile was removed from the  
3 home or making any subsequent findings under s. 938.38 (5m) as to those reasonable  
4 efforts more than 12 months after the date of a previous finding as to those  
5 reasonable efforts.

6 **SECTION 58.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

7 938.32 (1) (c) 1. c. If a permanency plan has previously been prepared for the  
8 juvenile, a finding as to whether the county department or agency has made  
9 reasonable efforts to achieve the permanency goal of the juvenile's permanency plan,  
10 including, if appropriate, through an out-of-state placement.

11 **SECTION 59.** 938.32 (1) (d) of the statutes is amended to read:

12 938.32 (1) (d) If the court finds that any of the circumstances specified in s.  
13 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing  
14 under s. 938.38 (4m) within 30 days after the date of that finding to determine the  
15 permanency plan goal and, if applicable, any concurrent permanency goals for the  
16 juvenile.

17 **SECTION 60.** 938.33 (4) (c) of the statutes is amended to read:

18 938.33 (4) (c) Specific information showing that continued placement of the  
19 juvenile in his or her home would be contrary to the welfare of the juvenile, specific  
20 information showing that the county department or the agency primarily  
21 responsible for providing services to the juvenile has made reasonable efforts to  
22 prevent the removal of the juvenile from the home, while assuring that the juvenile's  
23 health and safety are the paramount concerns, unless any of the circumstances  
24 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has  
25 previously been prepared for the juvenile, specific information showing that the

1 county department or agency has made reasonable efforts to achieve the permanency  
2 goal of the juvenile's permanency plan, including, if appropriate, through an  
3 out-of-state placement,

4 **SECTION 61.** 938.335 (3g) (c) of the statutes is amended to read:

5 938.335 (3g) (c) That, if a permanency plan has previously been prepared for  
6 the juvenile, the county department or agency has made reasonable efforts to achieve  
7 the permanency goal of the juvenile's permanency plan, including, if appropriate,  
8 through an out-of-state placement,

9 **SECTION 62.** 938.335 (4) of the statutes is amended to read:

10 938.335 (4) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS. At hearings  
11 under this section, s. 938.357, 938.358, 938.363, or 938.365, on the request of any  
12 party, unless good cause to the contrary is shown, the court may admit testimony on  
13 the record by telephone or live audiovisual means, if available, under s. 807.13 (2).  
14 The request and the showing of good cause may be made by telephone.

15 **SECTION 63.** 938.355 (2) (b) 6. of the statutes is amended to read:

16 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that  
17 continued placement of the juvenile in his or her home would be contrary to the  
18 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is  
19 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that  
20 the juvenile's current residence will not safeguard the welfare of the juvenile or the  
21 community due to the serious nature of the act for which the juvenile was adjudicated  
22 delinquent. The court order shall also contain a finding as to whether the county  
23 department or the agency primarily responsible for providing services under a court  
24 order has made reasonable efforts to prevent the removal of the juvenile from the  
25 home, while assuring that the juvenile's health and safety are the paramount

1 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.  
2 to 4. applies, and, if a permanency plan has previously been prepared for the juvenile,  
3 a finding as to whether the county department or agency has made reasonable efforts  
4 to achieve the permanency goal of the juvenile's permanency plan, including, if  
5 appropriate, through an out-of-state placement,. The court shall make the findings  
6 specified in this subdivision on a case-by-case basis based on circumstances specific  
7 to the juvenile and shall document or reference the specific information on which  
8 those findings are based in the court order. A court order that merely references this  
9 subdivision without documenting or referencing that specific information in the  
10 court order or an amended court order that retroactively corrects an earlier court  
11 order that does not comply with this subdivision is not sufficient to comply with this  
12 subdivision.

13 **SECTION 64.** 938.355 (2b) of the statutes is renumbered 938.355 (2b) (b) and  
14 amended to read:

15 938.355 (2b) (b) A county department or the agency primarily responsible for  
16 providing services to a juvenile under a court order ~~may, at the same time as the~~  
17 ~~county department or agency is making the reasonable efforts required under sub.~~  
18 ~~(2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible~~  
19 ~~for the juvenile to return safely to his or her home, work with the department of~~  
20 ~~children and families, a county department under s. 48.57 (1) (e) or (hm), or a child~~  
21 ~~welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the~~  
22 ~~juvenile for adoption, with a guardian, with a fit and willing relative, or in some other~~  
23 ~~alternative permanent placement, including reasonable efforts to identify an~~  
24 ~~appropriate out-of-state placement shall determine, in accordance with standards~~  
25 established by the department, whether to engage in concurrent planning. If,



1 according to those standards, concurrent planning is required, the county  
2 department or agency shall engage in concurrent planning unless the court or  
3 permanency review panel determines under s. 938.38 (5) (c) 5m. that concurrent  
4 planning is inappropriate.

5 **SECTION 65.** 938.355 (2b) (a) of the statutes is created to read:

6 938.355 **(2b)** (a) In this subsection, “concurrent planning” means appropriate  
7 efforts to work simultaneously towards achieving more than one of the permanency  
8 goals listed in s. 938.38 (4) (fg) 1. to 5. for a juvenile who is placed in out-of-home care  
9 and for whom a permanency plan is required under s. 938.38 (2).

10 **SECTION 66.** 938.355 (2c) (b) of the statutes is amended to read:

11 938.355 **(2c)** (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
12 the county department or the agency primarily responsible for providing services to  
13 the juvenile under a court order has made reasonable efforts to achieve the  
14 permanency goal of the permanency plan, the court’s consideration of reasonable  
15 efforts shall include the considerations under par. (a) and whether visitation  
16 schedules between the juvenile and his or her parents were implemented, unless  
17 visitation was denied or limited by the court.

18 **SECTION 67.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

19 938.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not  
20 required to include in a dispositional order a finding as to whether the county  
21 department or the agency primarily responsible for providing services under a court  
22 order has made reasonable efforts with respect to a parent of a juvenile to prevent  
23 the removal of the juvenile from the home, while assuring that the juvenile’s health  
24 and safety are the paramount concerns, or, if applicable, a finding as to whether the  
25 county department or agency has made reasonable efforts with respect to a parent

1 of a juvenile to achieve the permanency ~~plan~~ goal of returning the juvenile safely to  
2 his or her home, if the court finds any of the following:

3 **SECTION 68.** 938.355 (2d) (c) of the statutes is amended to read:

4 938.355 (2d) (c) If the court finds that any of the circumstances under par. (b)  
5 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38  
6 (4m) within 30 days after the date of that finding to determine the permanency ~~plan~~  
7 goal and, if applicable, any concurrent permanency goals for the juvenile.

8 **SECTION 69.** 938.355 (2e) (b) of the statutes is amended to read:

9 938.355 (2e) (b) Each time a juvenile's placement is changed under s. 938.357,  
10 a trial reunification is ordered under s. 938.358, or a dispositional order is revised  
11 under s. 938.363 or extended under s. 938.365, the agency that prepared the  
12 permanency plan shall revise the plan to conform to the order and shall file a copy  
13 of the revised plan with the court. Each plan filed shall be made a part of the court  
14 order.

15 **SECTION 70.** 938.357 (2v) (c) of the statutes is amended to read:

16 938.357 (2v) (c) *Permanency ~~plan~~ hearing.* If the court finds under par. (a) 3.  
17 that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect  
18 to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after  
19 the date of that finding to determine the permanency ~~plan~~ goal and, if applicable, any  
20 concurrent permanency goals for the juvenile.

21 **SECTION 71.** 938.358 of the statutes is created to read:

22 **938.358 Trial reunification. (1) DEFINITION.** In this section:

23 (a) "Trial reunification" means authorization for a juvenile who is placed in an  
24 out-of-home placement under s. 938.355 or 938.357 to reside in the home of a  
25 relative of the juvenile from which the juvenile was removed or in the home of either

1 of the juvenile's parents for a specified and limited period of 7 consecutive days or  
2 longer for the purpose of determining the appropriateness of changing the placement  
3 of the juvenile to that home.

4 (b) "Trial reunification home" means the home in which a juvenile resides  
5 during a trial reunification.

6 **(2) TRIAL REUNIFICATION; PROCEDURE.** (a) *Request or proposal.* The person or  
7 agency primarily responsible for implementing the dispositional order may request  
8 a trial reunification. The request shall contain the name and address of the  
9 requested trial reunification home, a statement describing why the trial  
10 reunification is in the best interests of the juvenile, and a statement describing how  
11 the trial reunification satisfies the objectives of the juvenile's permanency plan. No  
12 person may request a trial reunification on the sole grounds that an emergency  
13 condition necessitates an immediate removal of the juvenile from his or her  
14 out-of-home placement. If an emergency condition necessitates such an immediate  
15 removal, the person or agency primarily responsible for implementing the  
16 dispositional order shall proceed as provided in s. 938.357 (2).

17 (b) *Notice; information required.* The person or agency requesting the trial  
18 reunification shall submit the request to the court and shall cause written notice of  
19 the requested trial reunification to be sent to the juvenile, the parent, guardian, and  
20 legal custodian of the juvenile, any foster parent or other physical custodian  
21 described in s. 48.62 (2) of the juvenile, all parties who are bound by the dispositional  
22 order, and, if the juvenile is an Indian juvenile who has been removed from the home  
23 of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian  
24 juvenile's Indian custodian and tribe. The notice shall contain the information that  
25 is required to be included in the request under par. (a).

1           (c) *Hearing; when required.* Any person receiving notice of a requested trial  
2 reunification under par. (b) may obtain a hearing on the matter by filing an objection  
3 with the court within 10 days after the request was filed with the court. If an  
4 objection is filed, a hearing shall be held within 30 days after the request was filed  
5 with the court. Not less than 3 days before the hearing the person requesting the trial  
6 reunification or the court shall provide notice of the hearing to all persons who are  
7 entitled to receive notice under par. (b). A copy of the request for the trial  
8 reunification shall be attached to the notice. If all of the parties consent, the court  
9 may proceed immediately with the hearing.

10           (d) *Order.* If the court finds that the trial reunification is in the best interests  
11 of the juvenile and that the trial reunification satisfies the objectives of the juvenile's  
12 permanency plan, the court shall order the trial reunification. A trial reunification  
13 shall terminate 90 days after the date of the order, unless the court specifies a shorter  
14 period in the order, the court extends the trial reunification under sub. (3), or the  
15 court revokes the trial reunification under sub. (4) (c) or (6) (b). No trial reunification  
16 order may extend the expiration date of the original dispositional order under s.  
17 938.355 or any extension order under s. 938.365. A trial reunification under this  
18 section is not a change in placement under s. 938.357. At the end of a trial  
19 reunification, the person or agency primarily responsible for implementing the  
20 dispositional order shall do one of the following:

21           1. Return the juvenile to his or her previous out-of-home placement. The  
22 person or agency may do so without further order of the court, but shall provide notice  
23 of the date of the return and the address of that placement to all persons who are  
24 entitled to receive notice under par. (b).

1           2. Request a change in placement under s. 938.357 to place the juvenile in a new  
2 out-of-home placement.

3           3. Request a change in placement under s. 938.357 to place the juvenile in the  
4 trial reunification home.

5           **(3) EXTENSION OF TRIAL REUNIFICATION.** (a) *Extension request.* The person or  
6 agency primarily responsible for implementing the dispositional order may request  
7 an extension of a trial reunification. The request shall contain a statement  
8 describing how the trial reunification continues to be in the best interests of the  
9 juvenile. No later than 10 days prior to the expiration of the trial reunification, the  
10 person or agency that requests the extension shall submit the request to the court  
11 that ordered the trial reunification and shall cause notice of the request to be  
12 provided to all persons who are entitled to receive notice under sub. (2) (b).

13           (b) *Extension hearing; when required.* Any person who is entitled to receive  
14 notice of the extension request under par. (a) may obtain a hearing on the matter by  
15 filing an objection with the court within 10 days after the request was filed with the  
16 court. If an objection is filed, the court shall schedule a hearing on the matter. If the  
17 court is unable to conduct a hearing on the matter before the trial reunification  
18 expires, the court may extend the trial reunification for not more than 30 days  
19 without a hearing. If a hearing is scheduled, not less than 3 days before the hearing  
20 the person or agency requesting the extension or the court shall provide notice of the  
21 hearing to all persons who are entitled to receive notice of the extension request  
22 under par. (a). A copy of the request for the extension shall be attached to the notice.  
23 If all of the parties consent, the court may proceed immediately with the hearing.

24           (c) *Extension order.* If the court finds that the trial reunification continues to  
25 be in the best interests of the juvenile, the court shall grant an order extending the

1 trial reunification for a period specified by the court. Any number of extensions may  
2 be granted, but the total period for a trial reunification may not exceed 150 days.

3 (4) REVOCATION OF TRIAL REUNIFICATION. (a) *Revocation request; information*  
4 *required.* 1. If the person or agency primarily responsible for implementing the  
5 dispositional order determines based on current circumstances that a trial  
6 reunification is no longer in the best interests of the juvenile, that person or agency  
7 may, without prior court order, remove the juvenile from the trial reunification home  
8 and place the juvenile in the juvenile's previous out-of-home placement as provided  
9 in subd. 2. or place the juvenile in a new out-of-home placement as provided in subd.  
10 3.

11 2. If the person or agency primarily responsible for implementing the  
12 dispositional order places the juvenile in the juvenile's previous out-of-home  
13 placement, within 3 days after removing the juvenile from the trial reunification  
14 home, that person or agency shall submit a request for revocation of the trial  
15 reunification to the court that ordered the trial reunification and shall cause notice  
16 of the request to be provided to all persons who are entitled to receive notice of the  
17 trial reunification under a sub. (2) (b). The request shall contain the date on which  
18 the juvenile was removed from the trial reunification home, the address of the  
19 juvenile's current placement, and the reasons for the proposed revocation.  
20 Paragraphs (b) and (c) apply to a request for revocation submitted under this  
21 subdivision.

22 3. If the person or agency primarily responsible for implementing the  
23 dispositional order places the juvenile in a new out-of-home placement, within 3  
24 days after removing the juvenile from the trial reunification home, that person or  
25 agency shall request a change in placement under s. 938.357 (1) (am). The

1 procedures specified in s. 938.357 relating to a change in placement under s. 938.357  
2 (1) (am) apply to a change in placement requested under this subdivision, except that  
3 the request shall include the date on which the juvenile was removed from the trial  
4 reunification home in addition to the information required under s. 938.357 (1) (am)  
5 1., and the trial reunification is revoked when the change in placement order is  
6 granted.

7 (b) *Revocation hearing; when required.* Any person who is entitled to receive  
8 notice of a revocation request under par. (a) 2. may obtain a hearing on the matter  
9 by filing an objection with the court within 10 days after the request is filed with the  
10 court. If a hearing is scheduled, not less than 3 days prior to the hearing the court  
11 shall provide notice of the hearing, together with a copy of the request for the  
12 revocation, to all persons who are entitled to receive notice under par. (a) 2. If all  
13 parties consent, the court may proceed immediately with the hearing.

14 (c) *Revocation order.* If the court finds that the trial reunification is no longer  
15 in the best interests of a juvenile who has been placed in his or her previous  
16 out-of-home placement under par. (a) 1., the court shall grant an order revoking the  
17 trial reunification and approving that placement.

18 **(5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is  
19 held under sub. (2) (c) and the trial reunification would remove a juvenile from a  
20 foster home or other placement with a physical custodian described in s. 48.62 (2),  
21 the court shall give the foster parent or other physical custodian a right to be heard  
22 at the hearing by permitting the foster parent or other physical custodian to make  
23 a written or oral statement during the hearing or to submit a written statement prior  
24 to the hearing relating to the juvenile and the requested trial reunification. A foster  
25 parent or other physical custodian described in s. 48.62 (2) who receives notice of a

1 hearing under sub. (2) (c) and a right to be heard under this subsection does not  
2 become a party to the proceeding on which the hearing is held solely on the basis of  
3 receiving that notice and right to be heard.

4 **(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT.** (a)  
5 *Prohibition.* Except as provided in par. (c), the court may not order a trial  
6 reunification in the home of a person who has been convicted under s. 940.01 of the  
7 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
8 homicide, of a parent of the juvenile, if the conviction has not been reversed, set aside,  
9 or vacated.

10 (b) *Revocation.* Except as provided in par. (c), if a parent in whose home a  
11 juvenile is placed for a trial reunification is convicted under s. 940.01 of the  
12 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
13 homicide, of the juvenile's other parent, and the conviction has not been reversed, set  
14 aside, or vacated, the court shall revoke the trial reunification.

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

19 **SECTION 72.** 938.363 (1) (a) of the statutes is amended to read:

20 938.363 (1) (a) A juvenile, the juvenile's parent, guardian, or legal custodian,  
21 any person or agency bound by a dispositional order, the district attorney or  
22 corporation counsel in the county in which the dispositional order was entered or, if  
23 the juvenile is an Indian juvenile who is in need of protection or services under s.  
24 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian may request a  
25 revision in the order that does not involve a change in placement or a trial



1 reunification, including a revision with respect to the amount of child support to be  
2 paid by a parent. The court may also propose a revision. The request or court  
3 proposal shall set forth in detail the nature of the proposed revision and what new  
4 information is available that affects the advisability of the court's disposition. The  
5 request or court proposal shall be submitted to the court. The court shall hold a  
6 hearing on the matter prior to any revision of the dispositional order if the request  
7 or court proposal indicates that new information is available that affects the  
8 advisability of the court's dispositional order, unless written waivers of objections to  
9 the revision are signed by all parties entitled to receive notice and the court approves.

10 **SECTION 73.** 938.365 (2g) (b) 2. of the statutes is amended to read:

11 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement  
12 and of any progress the juvenile has made, suggestions for amendment of the  
13 permanency plan, and specific information showing the efforts that have been made  
14 to achieve the permanency goal of the permanency plan, including, if applicable, the  
15 efforts of the parents to remedy the factors that contributed to the juvenile's  
16 placement.

17 **SECTION 74.** 938.365 (2g) (b) 3. of the statutes is amended to read:

18 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home  
19 in a foster home, group home, nonsecured residential care center for children and  
20 youth, or shelter care facility for 15 of the most recent 22 months, not including any  
21 period during which the juvenile was a runaway from the out-of-home placement  
22 ~~or the first 6 months of any period during which the juvenile was returned to his or~~  
23 ~~her home for a trial home visit~~ reunification, a statement of whether or not a  
24 recommendation has been made to terminate the parental rights of the parents of  
25 the juvenile. If a recommendation for a termination of parental rights has been

1 made, the statement shall indicate the date on which the recommendation was made,  
2 any previous progress made to accomplish the termination of parental rights, any  
3 barriers to the termination of parental rights, specific steps to overcome the barriers  
4 and when the steps will be completed, reasons why adoption would be in the best  
5 interest of the juvenile and whether or not the juvenile should be registered with the  
6 adoption information exchange. If a recommendation for termination of parental  
7 rights has not been made, the statement shall include an explanation of the reasons  
8 why a recommendation for termination of parental rights has not been made. If the  
9 lack of appropriate adoptive resources is the primary reason for not recommending  
10 a termination of parental rights, the agency shall recommend that the juvenile be  
11 registered with the adoption information exchange or report the reason why  
12 registering the juvenile is contrary to the best interest of the juvenile.

13 **SECTION 75.** 938.365 (2m) (a) 1. of the statutes is amended to read:

14 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
15 extension. If the juvenile is placed outside of his or her home, the person or agency  
16 primarily responsible for providing services to the juvenile shall present as evidence  
17 specific information showing that the person or agency has made reasonable efforts  
18 to achieve the permanency goal of the juvenile's permanency plan, including, if  
19 appropriate, through an out-of-state placement. If an Indian juvenile is placed  
20 outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6),  
21 (6m), or (7), the person or agency primarily responsible for providing services to the  
22 Indian juvenile shall also present as evidence specific information showing that  
23 active efforts under s. 938.028 (4) (d) 2. have been made to prevent the breakup of  
24 the Indian juvenile's family and that those efforts have proved unsuccessful.

25 **SECTION 76.** 938.365 (2m) (a) 1m. of the statutes is amended to read:

1           938.365 (2m) (a) 1m. The court shall make findings of fact and conclusions of  
2 law based on the evidence. The findings of fact shall include a finding as to whether  
3 reasonable efforts were made by the person or agency primarily responsible for  
4 providing services to the juvenile to achieve the permanency goal of the juvenile's  
5 permanency plan, including, if appropriate, through an out-of-state placement,. If  
6 the juvenile is an Indian juvenile who is placed outside the home of his or her parent  
7 or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the findings of fact shall also  
8 include a finding that active efforts under s. 938.028 (4) (d) 2. were made to prevent  
9 the breakup of the Indian juvenile's family and that those efforts have proved  
10 unsuccessful. An order shall be issued under s. 938.355.

11           **SECTION 77.** 938.365 (2m) (a) 3. of the statutes is amended to read:

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

21           **SECTION 78.** 938.365 (2m) (ad) of the statutes is amended to read:

22           938.365 (2m) (ad) If the court finds that any of the circumstances under s.  
23 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing  
24 under s. 938.38 (4m) within 30 days after the date of that finding to determine the

1 permanency plan goal and, if applicable, any concurrent permanency goals for the  
2 juvenile.

3 **SECTION 79.** 938.365 (7) of the statutes is amended to read:

4 938.365 (7) CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED.

5 Nothing in this section may be construed to allow any changes in placement, trial  
6 reunification, or revocation of aftercare supervision. Revocation and other changes  
7 in placement may take place only under s. 938.357, and trial reunifications may take  
8 place only under s. 938.358.

9 **SECTION 80.** 938.371 (5) of the statutes is amended to read:

10 938.371 (5) CONFIDENTIALITY OF INFORMATION. Except as permitted under s.  
11 252.15 (6), a foster parent, treatment foster parent, relative, or operator of a group  
12 home, residential care center for children and youth, or juvenile correctional facility  
13 that receives any information under sub. (1) or (3), other than the information  
14 described in sub. (3) (e), shall keep the information confidential and may disclose that  
15 information only for the purposes of providing care for the juvenile or participating  
16 in a court hearing or permanency plan review concerning the juvenile.

17 **SECTION 81.** 938.38 (2) (intro.) of the statutes is amended to read:

18 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
19 for each juvenile living in a foster home, group home, residential care center for  
20 children and youth, juvenile detention facility, or shelter care facility, the agency that  
21 placed the juvenile or arranged the placement or the agency assigned primary  
22 responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall  
23 prepare a written permanency plan, if any of the following conditions exists, and, for  
24 each juvenile living in the home of a guardian or a relative other than a parent, that

1 agency shall prepare a written permanency plan, if any of the conditions under pars.  
2 (a) to (e) exists:

3 **SECTION 82.** 938.38 (4) (ar) of the statutes is amended to read:

4 938.38 (4) (ar) A description of the services offered and any services provided  
5 in an effort to prevent the removal of the juvenile from his or her home, while  
6 assuring that the health and safety of the juvenile are the paramount concerns, and  
7 to achieve the goal of the permanency plan, except that the permanency plan is not  
8 required to include a description of the services offered or provided with respect to  
9 a parent of the juvenile to prevent the removal of the juvenile from the home or to  
10 achieve the permanency plan goal of returning the juvenile safely to his or her home  
11 if any of the circumstances under s. 938.355 (2d) (b) 1. to 4. apply to that parent.

12 **SECTION 83.** 938.38 (4) (f) 3. of the statutes is amended to read:

13 938.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe  
14 return of the juvenile to his or her home, or, if appropriate, obtain ~~an alternative~~  
15 ~~permanent placement for the juvenile~~ a placement for adoption, with a guardian,  
16 with a fit and willing relative, or in some other planned permanent living  
17 arrangement that includes an appropriate, enduring relationship with an adult.

18 **SECTION 84.** 938.38 (4) (fg) (intro.) of the statutes is amended to read:

19 938.38 (4) (fg) (intro.) The goal of the permanency plan or, if the agency is  
20 ~~making concurrent reasonable efforts under~~ engaging in concurrent planning, as  
21 defined in s. 938.355 (2b) (a), the permanency and concurrent permanency goals of  
22 the permanency plan. If a goal of the permanency plan is any goal other than return  
23 of the juvenile to his or her home to place the juvenile for adoption, with a guardian,  
24 or with a fit and willing relative, the permanency plan shall include the rationale for  
25 deciding on that goal. If a goal of the permanency plan is an alternative permanent

1 placement under subd. 5., the permanency plan shall document a compelling reason  
2 why it would not be in the best interest of the juvenile to pursue a goal specified in  
3 subds. 1. to 4. and the efforts made to achieve that goal, including, if appropriate,  
4 through an out-of-state placement. If the agency determines under s. 938.355 (2b)  
5 (b) to engage in concurrent planning, the permanency plan shall include the  
6 rationale for that determination and a description of the concurrent plan and the  
7 permanency and concurrent permanency goals of the concurrent plan. The agency  
8 shall determine one or more of the following goals to be the goal or goals of a juvenile's  
9 permanency plan:

10 **SECTION 85.** 938.38 (4) (fg) 5. of the statutes is amended to read:

11 938.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned  
12 permanent placement living arrangement that includes an appropriate, enduring  
13 relationship with an adult, including sustaining care, independent living, or  
14 long-term foster care, but not including independent living.

15 **SECTION 86.** 938.38 (4) (fm) of the statutes is amended to read:

16 938.38 (4) (fm) If the goal of the permanency plan is to agency determines that  
17 there is a compelling reason why it currently would not be in the best interests of the  
18 juvenile to return the juvenile to his or her home or to place the juvenile for adoption,  
19 with a guardian, or with a fit and willing relative, or as the permanency goal for the  
20 juvenile, the permanency goal of placing the juvenile in some other alternative  
21 planned permanent placement, living arrangement described in par. (fg) 5. and the  
22 efforts made to achieve that goal, including, if appropriate, through an out-of-state  
23 placement. If the agency makes that determination, the plan shall include a  
24 statement of that compelling reason and, notwithstanding that compelling reason,  
25 a concurrent plan under s. 938.355 (2b) towards achieving a goal under par. (fg) 1.

1 to 4. as a concurrent permanency goal in addition to the permanency goal under par.  
2 (fg) 5.

3 **SECTION 87.** 938.38 (4) (i) of the statutes is amended to read:

4 938.38 (4) (i) A statement as to whether the juvenile's age and developmental  
5 level are sufficient for the court to consult with the juvenile at the permanency plan  
6 determination hearing under sub. (4m) (c) or ~~at the permanency plan hearing under~~  
7 ~~sub. (5m) (c) 2.~~ or for the court or panel to consult with the juvenile at the permanency  
8 plan review under sub. (5) (bm) 2. and, if a decision is made that it would not be age  
9 appropriate or developmentally appropriate for the court to consult with the  
10 juvenile, a statement as to why consultation with the juvenile would not be  
11 appropriate.

12 **SECTION 88.** 938.38 (4m) (title) of the statutes is amended to read:

13 938.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY  
14 PERMANENCY PLAN-DETERMINATION HEARING.

15 **SECTION 89.** 938.38 (5) (title) of the statutes is amended to read:

16 938.38 (5) (title) ~~PLAN~~ PERMANENCY REVIEW.

17 **SECTION 90.** 938.38 (5) (a) of the statutes is amended to read:

18 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel  
19 appointed under par. (ag) shall review the permanency plan in the manner provided  
20 in this subsection not later than 6 months after the date on which the juvenile was  
21 first removed from his or her home and every 6 months after a previous review under  
22 this subsection for as long as the juvenile is placed outside the home, except that for  
23 the review that is required to be conducted not later than 12 months after the  
24 juvenile was first removed from his or her home and the reviews that are required  
25 to be conducted every 12 months after that review, the court shall hold a hearing

1 under sub. (5m) to review the permanency plan. The hearing may be instead of or  
2 in addition to the review under this subsection. The 6-month and 12-month periods  
3 referred to in this paragraph include any period during which the juvenile resides  
4 in a trial reunification home under s. 938.358.

5 **SECTION 91.** 938.38 (5) (am) of the statutes is amended to read:

6 938.38 (5) (am) The court may appoint an independent agency to designate a  
7 panel to conduct a permanency ~~plan~~ review under par. (a). If the court appoints an  
8 independent agency under this paragraph, the county department of the county of  
9 the court shall authorize and contract for the purchase of services from the  
10 independent agency.

11 **SECTION 92.** 938.38 (5) (c) 5. of the statutes is amended to read:

12 938.38 (5) (c) 5. The date by which it is likely that the juvenile will be returned  
13 to his or her home or placed for adoption, with a guardian, with a fit and willing  
14 relative, or in some other alternative planned permanent placement living  
15 arrangement that includes an appropriate, enduring relationship with an adult.

16 **SECTION 93.** 938.38 (5) (c) 5m. of the statutes is created to read:

17 938.38 (5) (c) 5m. The continuing appropriateness, according to standards  
18 established by the department, of the permanency goal and any concurrent  
19 permanency goals for the juvenile. If the court or panel does not approve of any of  
20 those goals or if the court or panel determines that a concurrent permanency goal is  
21 appropriate, the court or panel shall determine the permanency goal and, if  
22 appropriate, any concurrent permanency goals for the juvenile.

23 **SECTION 94.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

24 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her  
25 home, as described in s. 938.365 (1), in a foster home, group home, nonsecured



1 residential care center for children and youth, or shelter care facility for 15 of the  
2 most recent 22 months, not including any period during which the juvenile was a  
3 runaway from the out-of-home placement or ~~the first 6 months of any period during~~  
4 ~~which the juvenile~~ was returned to his or her home for a trial home-visit  
5 reunification, the appropriateness of the permanency plan and the circumstances  
6 which prevent the juvenile from any of the following:

7 **SECTION 95.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

8 938.38 (5) (c) 6. d. Being placed in some other ~~alternative~~ planned permanent  
9 placement living arrangement that includes an appropriate, enduring relationship  
10 with an adult, including sustaining care, ~~independent living~~, or long-term foster  
11 care, but not including independent living.

12 **SECTION 96.** 938.38 (5) (c) 7. of the statutes is amended to read:

13 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve  
14 the permanency goal of the permanency plan, including, if appropriate, through an  
15 out-of-state placement,.

16 **SECTION 97.** 938.38 (5) (f) of the statutes is amended to read:

17 938.38 (5) (f) If the summary prepared under par. (e) indicates that the review  
18 panel made recommendations that conflict with the court juvenile's dispositional  
19 order or that provide for additional services not specified in the court dispositional  
20 order, the agency primarily responsible for providing services to the juvenile shall  
21 request a revision of the court dispositional order.

22 **SECTION 98.** 938.38 (5m) (title) of the statutes is amended to read:

23 938.38 (5m) (title) PERMANENCY PLAN HEARING.

24 **SECTION 99.** 938.38 (5m) (a) of the statutes is amended to read:

1           938.38 (5m) (a) The court shall hold a hearing to review the permanency plan  
2 and to make the determinations specified in sub. (5) (c) no later than 12 months after  
3 the date on which the juvenile was first removed from the home and every 12 months  
4 after a previous hearing under this subsection for as long as the juvenile is placed  
5 outside the home. The 12-month periods referred to in this paragraph include any  
6 period during which the juvenile resides in a trial reunification home under s.  
7 938.358.

8           **SECTION 100.** 938.38 (5m) (b) of the statutes is amended to read:

9           938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court  
10 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the  
11 juvenile's foster parent, the operator of the facility in which the juvenile is living, or  
12 the relative with whom the juvenile is living; of the time, place, and purpose of the  
13 hearing, of the issues to be determined at the hearing, and of the fact that they shall  
14 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the  
15 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the  
16 permanency plan; the person representing the interests of the public; and, if the  
17 juvenile is an Indian juvenile who is placed outside the home of his or her parent or  
18 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian  
19 custodian and tribe of the date, time, and place, and purpose of the hearing, of the  
20 issues to be determined at the hearing, and of the fact that they may have an  
21 opportunity to be heard at the hearing as provided in par. (c) 1.

22           **SECTION 101.** 938.38 (5m) (f) of the statutes is amended to read:

23           938.38 (5m) (f) If the findings of fact and conclusions of law under par. (e)  
24 conflict with the juvenile's dispositional order or provide for any additional services  
25 not specified in the dispositional order, the court shall revise the dispositional order

1 under s. 938.363 ~~or~~, order a change in placement under s. 938.357, or order a trial  
2 reunification under s. 938.358, as appropriate.

3 **SECTION 102.** 938.38 (6) (a) of the statutes is amended to read:

4 938.38 (6) (a) Procedures for conducting permanency plan reviews.

5 **SECTION 103. Initial applicability.**

6 (1) PERMANENCY PLANNING FOR CHILDREN IN OUT-OF-HOME CARE.

7 (a) *Permanency plan contents.* Except as provided in paragraph (b) and  
8 subsection (2), this act first applies to a permanency plan filed on the effective date  
9 of this paragraph.

10 (b) *Permanency plan reviews and hearings.* The treatment of sections 48.38 (5)  
11 (a) and (c) 5., 5m., and 6. (intro.) and d. and (5m) (a) and (f) and 938.38 (5) (a) and (c)  
12 5., 5m., and 6. (intro.) and d. and (5m) (a) and (f) of the statutes first apply to a hearing  
13 or review for which a permanency plan is filed or provided on the effective date of this  
14 paragraph.

15 (2) TRIAL REUNIFICATIONS FOR CHILDREN IN OUT-OF-HOME CARE.

16 (a) *Trial reunifications.* The treatment of sections 48.299 (4) (b), 48.335 (4),  
17 48.358, 938.335 (4), and 938.358 of the statutes first applies to a trial reunification  
18 requested on the effective date of this paragraph.

19 (b) *Revisions of dispositional orders.* The treatment of sections 48.363 (1) (a)  
20 and 938.363 (1) (a) of the statutes first applies to a revision of a dispositional order  
21 requested or proposed on the effective date of this paragraph.

22 (c) *Extensions of dispositional orders.* The treatment of sections 48.365 (2g) (b)  
23 3. and (7) and 938.365 (2g) (b) 3. and (7) of the statutes first applies to an extension  
24 of a dispositional order requested or proposed on the effective date of this paragraph.

