



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0841/2
GMM:kjf:jm

DOA:.....Major, BB0307 - Extended out-of-home care for children with individualized education programs

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, an order of the court assigned to exercise jurisdiction under the Children's Code (juvenile court) that places or continues the placement of a child in an out-of-home placement terminates when the child reaches 18 years of age, one year after entry of the order, or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the child reaches 19 years of age, whichever is later, unless the juvenile court specified a shorter period of time or terminates the order sooner.

This bill provides that an order of the juvenile court that places or continues the placement of a child in an out-of-home placement terminates when the child reaches 21 years of age if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program (IEP) is in effect for the child, unless the juvenile court specified a shorter period of time or terminates the order sooner. An IEP is a written statement for a child with a disability developed by an IEP team appointed by the child's local educational agency that includes, among other things, the child's level of academic achievement and functional

performance, measurable goals for the child, the special education and related services to be provided to the child, and how the child's progress toward attaining those goals will be measured.

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

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

SECTION 1. 48.355 (4) of the statutes is renumbered 48.355 (4) (a) and amended to read:

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

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

1. The date on which the child reaches 18 years of age, ~~at the end of~~

2. The date that is one year after its entry, or, if the date on which the order is entered.

3. If the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, ~~when~~ the date on which the child reaches 19 years of age,

~~whichever is later, unless the judge specifies a shorter period of time or the judge terminates the order sooner.~~

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

SECTION 2. 48.355 (4) (b) 4. of the statutes is created to read:

48.355 (4) (b) 4. If the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child, the date on which the child reaches 21 years of age.

SECTION 3. 48.357 (6) of the statutes is renumbered 48.357 (6) (a) (intro.) and amended to read:

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

1. The date on which the child reaches 18 years of age, to the,
2. The date that is one year after the date of on which the change in placement order, or, if is entered.

3. If the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, to the date on which the child reaches 19 years of age, ~~whichever is later, or for a shorter period of time as specified by the court.~~

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

SECTION 4. 48.357 (6) (a) 4. of the statutes is created to read:

48.357 (6) (a) 4. If the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child, the date on which the child reaches 21 years of age.

SECTION 5. 48.365 (5) of the statutes is renumbered 48.365 (5) (a) and amended to read:

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

(b) Except as provided in s. 48.368, an order under this section that continues the placement of a child in an out-of-home placement shall be for a specified length of time not to exceed the latest of the following dates:

1. The date on which the child reaches 18 years of age,

2. The date that is one year after the date of entry of on which the order, or, if is entered.

3. If the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before

reaching 19 years of age, the date on which the child reaches 19 years of age, whichever is later.

SECTION 6. 48.365 (5) (b) 4. of the statutes is created to read:

48.365 (5) (b) 4. If the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child, the date on which the child reaches 21 years of age.

SECTION 7. 48.385 of the statutes is amended to read:

48.385 Plan for transition to independent living. During the 90 days immediately before a child who is placed in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent attains 18 years of age or, if the child is placed in such a placement under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the child attains 18 years of age, during the 90 days immediately before the termination of the order, the agency primarily responsible for providing services to the child under the order shall provide the child with assistance and support in developing a plan for making the transition from out-of-home care to independent living. The transition plan shall be personalized at the direction of the child, shall be as detailed as the child directs, and shall include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services.

SECTION 8. 48.57 (3m) (a) 1. of the statutes is amended to read:

48.57 (3m) (a) 1. "Child" means a person under 18 years of age or; a person 18 years of age or over, but under 19 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and who is reasonably expected to complete his or her program of study and be granted

a high school or high school equivalency diploma; or a person 18 years of age or over, but under 21 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if an individualized education program under s. 115.787 is in effect for the person.

SECTION 9. 48.57 (3n) (a) 1. of the statutes is amended to read:

48.57 **(3n)** (a) 1. “Child” means a person under 18 years of age or; a person 18 years of age or over, but under 19 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and who is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma; or a person 18 years of age or over, but under 21 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if an individualized education program under s. 115.787 is in effect for the person.

SECTION 10. 48.57 (3n) (am) 6. a. of the statutes is amended to read:

48.57 **(3n)** (am) 6. a. The date on which the child attains the age of 18 years; or, if on that date the child is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma, the date on which the child is granted a high school or high school equivalency diploma or the date on which the child attains the age of 19 years, whichever occurs first; or, if on that date the child is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for the child, the date on which the child attains the age of 21 years.

SECTION 11. 48.619 of the statutes is renumbered 48.619 (intro.) and amended to read:

48.619 Definition. (intro.) In this subchapter, “child” means a person under 18 years of age ~~and also includes, for.~~ For purposes of counting the number of children for whom a foster home or group home may provide care and maintenance, “child” also includes a person 18 years of age or over, but who was residing in the foster home or group home immediately prior to his or her 18th birthday and who continues to reside in that foster home or group home, if any of the following applies:

(1) The person is under 19 years of age, who is a full-time student at a secondary school or its vocational or technical equivalent, who and is reasonably expected to complete the program before reaching 19 years of age, who was residing in the foster home or group home immediately prior to his or her 18th birthday, and who continues to reside in that foster home or group home.

SECTION 12. 48.619 (2) of the statutes is created to read:

48.619 (2) The person is under 21 years of age, is a full-time student at a secondary school or its vocational or technical equivalent, and an individualized education program under s. 115.787 is in effect for the person.

SECTION 13. 938.355 (4) (a) of the statutes is amended to read:

938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in his or her home shall terminate ~~at the end of~~ one year after the date on which the order is granted unless the court specifies a shorter period of time or the court terminates the order sooner.

(am) Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places

or continues the placement of the juvenile in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent shall terminate ~~when~~ on the latest of the following dates, unless the court specifies a shorter period or the court terminates the order sooner:

1. The date on which the juvenile attains 18 years of age, ~~at the end of.~~

2. The date that is one year after the date on which the order is granted, ~~or, if.~~

3. If the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, ~~when~~ the date on which the juvenile attains 19 years of age, ~~whichever is later, unless the court specifies a shorter period of time or the court terminates the order sooner.~~

SECTION 14. 938.355 (4) (am) 4. of the statutes is created to read:

938.355 (4) (am) 4. If the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the juvenile, the date on which the juvenile attains 21 years of age.

SECTION 15. 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and amended to read:

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

1. The date on which the juvenile attains 18 years of age, ~~to the.~~

2. The date that is one year after the date of on which the change in placement order, or, if is granted.

3. If the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, to the date on which the juvenile attains 19 years of age, whichever is later, or for a shorter period of time as specified by the court.

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

SECTION 16. 938.357 (6) (a) 4. of the statutes is created to read:

938.357 (6) (a) 4. If the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the juvenile, the date on which the juvenile reaches 21 years of age.

SECTION 17. 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and amended to read:

938.365 (5) (a) Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in his or her home or that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to exceed one year after ~~its~~ the date of entry on which the order is granted.

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

1. The date on which the juvenile attains 18 years of age,

2. The date that is one year after the date on which the order is granted, ~~or, if,~~

3. If the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, the date on which the juvenile attains 19 years of age, ~~whichever is later.~~

SECTION 18. 938.365 (5) (b) 4. of the statutes is created to read:

938.365 (5) (b) 4. If the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the juvenile, the date on which the juvenile attains 21 years of age.

SECTION 9307. Initial applicability; Circuit Courts.

(1) OUT-OF-HOME CARE FOR CHILDREN WITH INDIVIDUALIZED EDUCATION PROGRAMS. The treatment of section 48.385 of the statutes, the renumbering and amendment of sections 48.355 (4), 48.357 (6), and 48.365 (5) of the statutes, and the creation of sections 48.355 (4) (b) 4., 48.357 (6) (a) 4., and 48.365 (5) (b) 4. of the statutes first apply to an order of the court assigned to exercise jurisdiction under chapter 48 of the statutes entered on the effective date of this subsection.

(2) OUT-OF-HOME CARE FOR JUVENILES WITH INDIVIDUALIZED EDUCATION PROGRAMS. The treatment of section 938.355 (4) (a) of the statutes, the renumbering and amendment of sections 938.357 (6) and 938.365 (5) of the statutes, and the creation

of sections 938.355 (4) (am) 4., 938.357 (6) (a) 4., and 938.365 (5) (b) 4. of the statutes first apply to an order of the court assigned to exercise jurisdiction under chapter 938 of the statutes granted on the effective date of this subsection.

(END)