



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 373
[2015 Senate Bill 387]

**Procedures for Changing the
Placement of a Child or Juvenile**

2015 Wisconsin Act 373 makes a number of substantive and technical changes to the procedures for changing the placement of a child or juvenile who is involved in certain types of court proceedings.

WISCONSIN LAW

When a child is alleged to be in need of protection or services (CHIPS), alleged to be a juvenile in need of protection or services (JIPS), alleged to have committed a delinquent act or to be truant, uncontrollable, or a runaway, he or she might be placed in his or her home or in an out-of-home care placement (such as in the home of a relative other than a parent, a foster home, a group home, or a residential care center for children and youth). Either before or after a disposition has been entered in the case, circumstances may change or arise that necessitate a change in the placement of the child or juvenile. A change in placement includes any of the following:

- From an in-home placement to an out-of-home care placement.
- From an out-of-home care placement to an in-home placement.
- From one out-of-home care placement to a different out-of-home placement.

Placement determinations may occur both before and after a final disposition has been entered by a court assigned to exercise jurisdiction under the Children's Code or Juvenile Justice Code (juvenile court) in the case.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

2015 WISCONSIN ACT 373

Act 373 makes technical and substantive changes to the procedures for changing the placement of a child or juvenile who is involved in the juvenile court system. Some of the key substantive changes relate to the following:

- **Change in placement of a child subject to temporary physical custody (TPC) order.** When a child welfare agency determines a child must be removed from his or her home, the child may be held under a TPC order. Once a final disposition is entered, the TPC order is no longer in effect. Prior law only contained procedures for changing the placement of a child *post-disposition*. The Act creates similar procedures for certain persons or entities to use in order to request a change in placement of a child who is subject to a TPC (i.e., *pre-disposition*).
- **Change in placement of a child under agency guardianship post-termination of parental rights (TPR).** The Act creates procedures for changing the placement of a child who is under the guardianship of a child welfare agency and whose parents have had their parental rights terminated.
- **Change in placement of child subject to consent decree.** Under Wisconsin law, a juvenile court may suspend a CHIPS proceeding after the CHIPS petition has been filed, but before the entry of a final judgment, and place the child under supervision in the home or the present placement of the child. This is called a “consent decree,” which must be agreed upon by all of the parties. The Act creates a procedure for amending a consent decree to change the placement of a child who is the subject of the original consent decree.
- **Emergency conditions necessitating a change in placement.** Wisconsin law specifies procedures if emergency conditions necessitate an immediate change in the placement of a child placed outside the home. The Act provides procedures for the emergency change in placement of a child from an in-home placement to an out-of-home placement.
- **Case closure orders.** The Act permits a juvenile court to modify a family court order, under certain circumstances, when closing a juvenile case.

Effective date: October 1, 2016

Prepared by: David Moore, Staff Attorney

May 3, 2016

DM:mcm;jal