



## 2009 ASSEMBLY BILL 822

March 9, 2010 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Corrections and the Courts.

1     **AN ACT to renumber and amend** 48.355 (4); **to amend** 48.185 (2), 48.364 (1)  
2           (b), 48.619, 938.185 (2), 938.355 (4) (a) and 938.366 (1) (b); **to repeal and**  
3     **recreate** 48.355 (4) (a), 48.619 and 938.355 (4) (a); and **to create** 48.355 (4)  
4           (bm), 48.364, 808.075 (4) (a) 7m., 808.075 (4) (fn) 7m., 938.355 (4) (bm) and  
5           938.366 of the statutes; **relating to:** extended juvenile court jurisdiction for  
6           certain foster youth under the age of 21 years.

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Special Committee on Strengthening Wisconsin Families.

The bill permits certain foster youth who are in foster care when they reach the age of 18 years to request an agency to petition the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) to extend juvenile court jurisdiction until the foster youth reaches 21 years of age.

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1           **SECTION 1.** 48.185 (2) of the statutes is amended to read:

2           48.185 (2) In an action under s. 48.41, venue shall be in the county where the  
3 birth parent or child resides at the time that the petition is filed. Venue for any  
4 proceeding under s. 48.363, 48.365 or 48.977, or any proceeding under subch. VIII  
5 when the child has been placed outside the home pursuant to a dispositional order  
6 under s. 48.345 or 48.347, shall be in the county where the dispositional order was  
7 issued, unless the child’s county of residence has changed, or the parent of the child  
8 or the expectant mother of the unborn child has resided in a different county of this  
9 state for 6 months. Venue for any proceeding under s. 48.364 shall be in the county  
10 where the dispositional order was issued, unless the foster youth’s county of  
11 residence has changed. In either case, the court may, upon a motion and for good  
12 cause shown, transfer the case, along with all appropriate records, to the county of  
13 residence of the child, foster youth, parent or expectant mother.

14           **SECTION 2.** 48.355 (4) of the statutes is renumbered 48.355 (4) (a) and amended  
15 to read:

16           48.355 (4) (a) Except as provided under s. 48.368, an order under this section  
17 or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or  
18 continues the placement of the child in his or her home shall terminate at the end  
19 of one year after its entry unless the judge specifies a shorter period of time or the  
20 judge terminates the order sooner. Except as provided under par. (bm) and s. 48.368,  
21 an order under this section or s. 48.357 or 48.365 made before the child reaches 18  
22 years of age that places or continues the placement of the child in a foster home,  
23 treatment foster home, group home, or residential care center for children and youth  
24 or in the home of a relative other than a parent shall terminate when the child  
25 reaches 18 years of age, at the end of one year after its entry, or, if the child is a

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1 full-time student at a secondary school or its vocational or technical equivalent and  
2 is reasonably expected to complete the program before reaching 19 years of age, when  
3 the child reaches 19 years of age, whichever is later, unless the judge specifies a  
4 shorter period of time or the judge terminates the order sooner.

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

9 **SECTION 3.** 48.355 (4) (a) of the statutes, as affected by 2009 Wisconsin Acts 28  
10 and ... (this act), is repealed and recreated to read:

11 48.355 (4) (a) Except as provided under s. 48.368, an order under this section  
12 or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or  
13 continues the placement of the child in his or her home shall terminate at the end  
14 of one year after its entry unless the judge specifies a shorter period of time or the  
15 judge terminates the order sooner. Except as provided under par. (bm) and s. 48.368,  
16 an order under this section or s. 48.357 or 48.365 made before the child reaches 18  
17 years of age that places or continues the placement of the child in a foster home,  
18 group home, or residential care center for children and youth or in the home of a  
19 relative other than a parent shall terminate when the child reaches 18 years of age,  
20 at the end of one year after its entry, or, if the child is a full-time student at a  
21 secondary school or its vocational or technical equivalent and is reasonably expected  
22 to complete the program before reaching 19 years of age, when the child reaches 19  
23 years of age, whichever is later, unless the judge specifies a shorter period of time or  
24 the judge terminates the order sooner.

25 **SECTION 4.** 48.355 (4) (bm) of the statutes is created to read:

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1           48.355 (4) (bm) An order under s. 48.364 (3) shall terminate when the foster  
2 youth reaches 21 years of age unless the court terminates the order sooner as  
3 provided in s. 48.364 (4).

NOTE: Provides that an order for extended court jurisdiction for foster youth terminates when the foster youth reaches 21 years of age unless the judge terminates the order sooner.

4           **SECTION 5.** 48.364 of the statutes is created to read:

5           **48.364 Extending court jurisdiction for foster youth. (1)** In this section,  
6 “foster youth” means a person who meets all of the following qualifications:

7           (a) Is a resident of this state and is under 21 years of age.

8           (b) Reached the age of 18 years while placed in a foster home, treatment foster  
9 home, group home, residential care center for children and youth, or permanent  
10 foster placement or in the home of a relative other than a parent under a court order  
11 under s. 48.355 or 48.977.

12           **(2)** By no later than 6 months after the termination of his or her dispositional  
13 order under s. 48.355 (4), a foster youth who wishes to have that order extended  
14 under this section may submit a request for extended court jurisdiction for foster  
15 youth to the agency that was primarily responsible for providing services to the foster  
16 youth under the dispositional order. A child who is reasonably expected to be a foster  
17 youth on termination of his or her dispositional order under s. 48.355 (4) may also  
18 submit a request for extended court jurisdiction for foster youth not more than 6  
19 months prior to the termination of the dispositional order. On receipt of a request  
20 for extended court jurisdiction for foster youth, the agency shall determine whether  
21 the foster youth or child may be eligible for extended court jurisdiction under sub.  
22 (3). If the agency determines that the foster youth or child may be eligible for

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1 extended court jurisdiction under sub. (3), the agency shall petition the court to  
2 extend jurisdiction for the foster youth or child.

3 **(3)** The court may order extended court jurisdiction for a foster youth or child  
4 if he or she meets any of the following conditions:

5 (a) Is completing a secondary education program or any other program leading  
6 to a high school diploma or its equivalent.

7 (b) Is enrolled in an institution that provides postsecondary or vocational  
8 education.

9 (c) Is participating in a program or activity designed to promote, or remove  
10 barriers to, employment.

11 (d) Is employed for at least 80 hours per month.

12 (e) Is incapable of meeting any of the conditions specified in pars. (a) to (d) due  
13 to a medical condition and the incapability is supported by regularly updated  
14 information in the case plan of the foster youth or child.

15 **(4)** The agency primarily responsible for providing services to a foster youth  
16 under an order under this section shall notify the court if the agency has reason to  
17 believe that the foster youth no longer meets any of the conditions under sub. (3).

18 **(5)** An order under this section shall terminate on the date on which the foster  
19 youth reaches 21 years of age unless the court terminates the order sooner. The court  
20 may terminate an order if the court finds any of the following:

21 (a) That the foster youth no longer meets any of the conditions under sub. (3).

22 (b) That all of the following conditions are met:

23 1. The foster youth's needs and goals for a successful transition to independent  
24 living, including needs and goals relating to housing, physical and mental health,  
25 education, employment, community connections, and supportive relationships, have

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1 been addressed by the county department, the department, in a county having a  
2 population of 500,000 or more, or the agency primarily responsible for providing  
3 services under the order.

4 2. The county department, the department, in a county having a population of  
5 500,000 or more, or the agency primarily responsible for providing services under the  
6 order has provided appropriate services pursuant to the foster youth's case plan and  
7 permanency plan.

8 3. The county department, the department, in a county having a population of  
9 500,000 or more, or the agency primarily responsible for providing services under the  
10 order has involved the foster youth in the development of the case plan and in the  
11 provision of appropriate services.

12 4. The foster youth has safe and stable housing and is unlikely to become  
13 homeless as a result of termination of the order.

NOTE: Creates extended juvenile court jurisdiction for foster youth. The bill defines a foster youth as a person who is a resident of this state, is under 21 years of age, and reached the age of 18 while placed in a foster home or other out-of-home placement under a juvenile court order.

Under the bill, a foster youth may submit a request for extended juvenile court jurisdiction to the agency primarily responsible for providing services under the foster youth's dispositional order. If the agency determines that the foster youth may be eligible for extended court jurisdiction, the agency must petition the juvenile court to extend jurisdiction. The juvenile court may extend jurisdiction if the juvenile court finds that one of several conditions are met, such as that the youth is completing secondary education, is enrolled in a postsecondary institution, or is employed for at least 80 hours per month. The order for extended juvenile court jurisdiction terminates when the foster youth reaches 21 years of age or when the juvenile court finds that specified conditions are met.

14 **SECTION 6.** 48.364 (1) (b) of the statutes, as created by 2009 Wisconsin Act ...  
15 (this act), is amended to read:

16 48.364 (1) (b) Reached the age of 18 years while placed in a foster home,  
17 ~~treatment foster home,~~ group home, residential care center for children and youth,

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1 or permanent foster placement or in the home of a relative other than a parent under  
2 a court order under s. 48.355 or 48.977.

3 **SECTION 7.** 48.619 of the statutes is amended to read:

4 **48.619 Definition.** In this subchapter, “child” means a person under 18 years  
5 of age and ~~also includes, for or a foster youth under extended court jurisdiction for~~  
6 foster youth under s. 48.364 or 938.366 who resides in a foster home, treatment foster  
7 home, or group home. For purposes of counting the number of children for whom a  
8 foster home, treatment foster home, or group home may provide care and  
9 maintenance, “child” also includes a person 18 years of age or over, but under 19  
10 years of age, who is a full-time student at a secondary school or its vocational or  
11 technical equivalent, who is reasonably expected to complete the program before  
12 reaching 19 years of age, who was residing in the foster home, treatment foster home,  
13 or group home immediately prior to his or her 18th birthday, and who continues to  
14 reside in that foster home, treatment foster home, or group home.

NOTE: Provides that, for purposes of current law relating to foster care, “child”  
includes a foster youth.

15 **SECTION 8.** 48.619 of the statutes, as affected by 2009 Wisconsin Acts 28 and  
16 .... (this act), is repealed and recreated to read:

17 **48.619 Definition.** In this subchapter, “child” means a person under 18 years  
18 of age or a foster youth under extended court jurisdiction for foster youth under s.  
19 48.364 or 938.366 who resides in a foster home or group home. For purposes of  
20 counting the number of children for whom a foster home or group home may provide  
21 care and maintenance, “child” also includes a person 18 years of age or over, but  
22 under 19 years of age, who is a full-time student at a secondary school or its  
23 vocational or technical equivalent, who is reasonably expected to complete the

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1 program before reaching 19 years of age, who was residing in the foster home or  
2 group home immediately prior to his or her 18th birthday, and who continues to  
3 reside in that foster home or group home.

4 **SECTION 9.** 808.075 (4) (a) 7m. of the statutes is created to read:

5 808.075 (4) (a) 7m. Extension of jurisdiction for foster youth under s. 48.364.

6 **SECTION 10.** 808.075 (4) (fn) 7m. of the statutes is created to read:

7 808.075 (4) (fn) 7m. Extension of jurisdiction for foster youth under s. 938.366.

8 **SECTION 11.** 938.185 (2) of the statutes is amended to read:

9 938.185 (2) REVISION AND EXTENSION OF ORDERS. Venue for any proceeding under  
10 s. 938.363 or 938.365 shall be in the county where the dispositional order was issued,  
11 unless the juvenile's county of residence has changed, or the parent of the juvenile  
12 has resided in a different county of this state for at least 6 months. Venue for any  
13 proceeding under s. 938.366 shall be in the county where the dispositional order was  
14 issued, unless the foster youth's county of residence has changed. In either case, the  
15 court may, upon a motion and for good cause shown, transfer the case, along with all  
16 appropriate records, to the county of residence of the juvenile, foster youth, or parent.

17 **SECTION 12.** 938.355 (4) (a) of the statutes is amended to read:

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



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1 home, group home, or residential care center for children and youth or in the home  
2 of a relative other than a parent shall terminate when the juvenile attains 18 years  
3 of age, at the end of one year after the date on which the order is granted, or, if the  
4 juvenile is a full-time student at a secondary school or its vocational or technical  
5 equivalent and is reasonably expected to complete the program before attaining 19  
6 years of age, when the juvenile attains 19 years of age, whichever is later, unless the  
7 court specifies a shorter period of time or the court terminates the order sooner.

8 **SECTION 13.** 938.355 (4) (a) of the statutes, as affected by 2009 Wisconsin Acts  
9 28 and .... (this act), is repealed and recreated to read:

10 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under  
11 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age  
12 that places or continues the placement of the juvenile in his or her home shall  
13 terminate at the end of one year after the date on which the order is granted unless  
14 the court specifies a shorter period of time or the court terminates the order sooner.  
15 Except as provided in pars. (b) and (bm) or s. 938.368, an order under this section or  
16 s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or  
17 continues the placement of the juvenile in a foster home, group home, or residential  
18 care center for children and youth or in the home of a relative other than a parent  
19 shall terminate when the juvenile attains 18 years of age, at the end of one year after  
20 the date on which the order is granted, or, if the juvenile is a full-time student at a  
21 secondary school or its vocational or technical equivalent and is reasonably expected  
22 to complete the program before attaining 19 years of age, when the juvenile attains  
23 19 years of age, whichever is later, unless the court specifies a shorter period of time  
24 or the court terminates the order sooner.

25 **SECTION 14.** 938.355 (4) (bm) of the statutes is created to read:

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1           938.355 (4) (bm) An order under s. 938.366 (3) shall terminate when the foster  
2 youth, as defined in s. 938.366 (1), reaches 21 years of age unless the court terminates  
3 the order sooner as provided in s. 938.366 (4).

NOTE: Provides that an order for extended court jurisdiction for foster youth terminates when the foster youth reaches 21 years of age unless the court terminates the order sooner.

4           **SECTION 15.** 938.366 of the statutes is created to read:

5           **938.366 Extending court jurisdiction for foster youth. (1)** In this section,  
6 “foster youth” means a person who meets all of the following qualifications:

7           (a) Is a resident of this state and is under 21 years of age.

8           (b) Reached the age of 18 years while placed in a foster home, treatment foster  
9 home, group home, residential care center for children and youth, or permanent  
10 foster placement or in the home of a relative other than a parent under a court order  
11 under s. 938.355.

12           **(2)** By no later than 6 months after the termination of his or her dispositional  
13 order under s. 938.355 (4), a foster youth who wishes to have that order extended  
14 under this section may submit a request for extended court jurisdiction for foster  
15 youth to the agency that was primarily responsible for providing services to the foster  
16 youth under the dispositional order. A juvenile who is reasonably expected to be a  
17 foster youth on termination of his or her dispositional order under s. 938.355 (4) may  
18 also submit a request for extended court jurisdiction for foster youth not more than  
19 6 months prior to the termination of the dispositional order. On receipt of a request  
20 for extended court jurisdiction for foster youth, the agency shall determine whether  
21 the foster youth or juvenile may be eligible for extended court jurisdiction under sub.  
22 (3). If the agency determines that the foster youth or juvenile may be eligible for

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1 extended court jurisdiction under sub. (3), the agency shall petition the court to  
2 extend jurisdiction for the foster youth or juvenile.

3 **(3)** The court may order extended court jurisdiction for the foster youth or  
4 juvenile if he or she meets any of the following conditions:

5 (a) Is completing a secondary education program or any other program leading  
6 to a high school diploma or its equivalent.

7 (b) Is enrolled in an institution that provides postsecondary or vocational  
8 education.

9 (c) Is participating in a program or activity designed to promote, or remove  
10 barriers to, employment.

11 (d) Is employed for at least 80 hours per month.

12 (e) Is incapable of meeting any of the conditions specified in pars. (a) to (d) due  
13 to a medical condition and the incapability is supported by regularly updated  
14 information in the case plan of the foster youth or juvenile.

15 **(4)** The agency primarily responsible for providing services to a foster youth  
16 under an order under this section shall notify the court if the agency has reason to  
17 believe that the foster youth no longer meets any of the conditions under sub. (3).

18 **(5)** An order under this section shall terminate on the date on which the foster  
19 youth reaches 21 years of age unless the court terminates the order sooner. The court  
20 may terminate an order if the court finds any of the following:

21 (a) That the foster youth no longer meets any of the conditions in sub. (3).

22 (b) That all of the following conditions are met:

23 1. The foster youth's needs and goals for a successful transition to independent  
24 living, including needs and goals relating to housing, physical and mental health,  
25 education, employment, community connections, and supportive relationships, have

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1 been addressed by the county department or the agency primarily responsible for  
2 providing services under the order.

3 2. The county department or the agency primarily responsible for providing  
4 services under the order has provided appropriate services pursuant to the foster  
5 youth's case plan and permanency plan.

6 3. The county department or the agency primarily responsible for providing  
7 services under the order has involved the foster youth in the development of the case  
8 plan and in the provision of appropriate services.

9 4. The foster youth has safe and stable housing and is unlikely to become  
10 homeless as a result of termination of the order.

NOTE: Creates extended court jurisdiction for foster youth under the Juvenile  
Justice Code.

11 **SECTION 16.** 938.366 (1) (b) of the statutes, as created by 2009 Wisconsin Act  
12 .... (this act), is amended to read:

13 938.366 (1) (b) Reached the age of 18 years while placed in a foster home,  
14 ~~treatment foster home~~, group home, residential care center for children and youth,  
15 or permanent foster placement or in the home of a relative other than a parent under  
16 a court order under s. 938.355.

17 **SECTION 17. Effective dates.** This act takes effect on October 1, 2010, except  
18 as follows:

19 (1) TREATMENT FOSTER HOMES. The amendment of sections 48.364 (1) (b) and  
20 938.366 (1) (b) of the statutes and the repeal and recreation of sections 48.355 (4) (a),  
21 48.619, and 938.355 (4) (a) of the statutes take effect on the date stated in the notice  
22 provided by the secretary of children and families and published in the Wisconsin  
23 Administrative Register under section 48.62 (8) of the statutes.

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NOTE: Provides that in general the bill takes effect on October 1, 2010.

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(END)