

# State of Wisconsin



2015 Senate Bill 309

Date of enactment:  
Date of publication\*:

## 2015 WISCONSIN ACT

AN ACT *to repeal* 48.427 (4), 48.428, 48.627 (1), 115.76 (12) (a) 8. and 895.485 (1) (a); *to renumber and amend* 48.385 and 938.385; *to amend* 20.437 (1) (cf) (title), 48.14 (2) (b), 48.366 (2) (b) 4., 48.38 (4) (f) 3., 48.38 (4) (fg) 5., 48.38 (4) (fm), 48.38 (4) (h) (intro.), 48.38 (4) (h) 2., 48.38 (4) (h) 4., 48.38 (4) (h) 5., 48.38 (5) (c) 1., 48.38 (5) (c) 6. d., 48.38 (5) (c) 9., 48.427 (1), 48.427 (5), 48.43 (4), 48.481 (2), 48.627 (title), 48.627 (2) (a), 48.627 (2c), 48.627 (2m), 48.627 (2s) (a), 48.627 (2s) (b), 48.627 (3) (b), 48.627 (3) (d), 48.627 (3) (e), 48.627 (3) (f), 48.627 (3) (h), 48.627 (4), 48.647 (3) (d), 48.647 (4), 48.977 (7) (e), 49.34 (4) (a), 49.34 (4) (c), 167.10 (7), 809.107 (2) (bm) (intro.), 895.485 (title), 895.485 (2), 895.485 (3), 895.485 (4) (intro.), 895.485 (4) (a), 938.366 (2) (b) 4., 938.38 (4) (f) 3., 938.38 (4) (fg) 5., 938.38 (4) (fm), 938.38 (4) (h) (intro.), 938.38 (4) (h) 2., 938.38 (4) (h) 4., 938.38 (4) (h) 5., 938.38 (5) (c) 1., 938.38 (5) (c) 6. d. and 938.38 (5) (c) 9.; and *to create* 48.02 (1dm), 48.02 (12r), 48.02 (14r), 48.38 (2m), 48.38 (4) (h) 6., 48.38 (4) (h) 7., 48.38 (5) (bm) 3., 48.38 (5) (c) 7m., 48.38 (5m) (c) 3., 48.383, 48.385 (2), 48.43 (5) (b) 2m., 48.627 (2s) (am), 48.67 (4) (a) 1m., 48.67 (5), 895.485 (1) (title), 895.485 (1) (ag), 895.485 (1) (c), 895.485 (1) (d), 895.485 (5) and (6), 938.02 (1g), 938.02 (12r), 938.02 (14r), 938.38 (2m), 938.38 (4) (h) 6., 938.38 (4) (h) 7., 938.38 (5) (bm) 3., 938.38 (5) (c) 7m., 938.38 (5m) (c) 3., 938.383 and 938.385 (2) of the statutes; **relating to:** use of the reasonable and prudent parent standard for making decisions concerning the participation of a child placed in out-of-home care in age or developmentally appropriate activities, permanency planning for a child 14 years of age or over, providing an exemption from emergency rule procedures, and granting rule-making authority.

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

**SECTION 1.** 20.437 (1) (cf) (title) of the statutes is amended to read:

20.437 (1) (cf) (title) *Foster and family-operated group-home parent insurance and liability.*

**SECTION 2.** 48.02 (1dm) of the statutes is created to read:

48.02 (1dm) "Age or developmentally appropriate activities" means activities that are generally accepted as suitable for children of a given chronological age or level of maturity or that are determined to be developmentally

appropriate for a child based on the cognitive, emotional, physical, and behavioral capacities that are typical for children of a given age or age group or, in the case of a specific child, activities that are suitable for the child based on the cognitive, emotional, physical, and behavioral capacities of that child.

**SECTION 3.** 48.02 (12r) of the statutes is created to read:

48.02 (12r) "Out-of-home care provider" means a foster parent, guardian, relative other than a parent, or nonrelative in whose home a child is placed, or the operator of a group home, residential care center for children and youth, or shelter care facility in which a child is

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

placed, under the placement and care responsibility of the department or a county department. "Out-of-home care provider" also includes, in the case of a child placed in a group home, residential care center for children and youth, or shelter care facility, a staff member employed on the site of that home, center, or facility who has been designated by the operator of that home, center, or facility as an out-of-home care provider for purposes of making decisions concerning the child's participation in age or developmentally appropriate activities.

**SECTION 4.** 48.02 (14r) of the statutes is created to read:

48.02 (14r) "Reasonable and prudent parent standard" means a standard for an out-of-home care provider to use in making decisions concerning a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of the child while at the same time encouraging the emotional and developmental growth of the child.

**SECTION 5.** 48.14 (2) (b) of the statutes is amended to read:

48.14 (2) (b) The appointment and removal of a guardian of the person for a child under ss. 48.427, 48.428, 48.43, 48.831, 48.832, 48.839 (4) (a), 48.977, and 48.978 and ch. 54 and for a child found to be in need of protection or services under s. 48.13 because the child is without parent or guardian.

**SECTION 6.** 48.366 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.366 (2) (b) 4. If the court determines that the person who is the subject of an order described in sub. (1) (a) or (b) understands that he or she may continue in out-of-home care, but wishes to be discharged from that care on termination of the order, the court shall advise the person that he or she may enter into a voluntary agreement under sub. (3) at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she 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 him or her. If the court determines that the person wishes to continue in out-of-home care under an extension of an order under s. 48.355, 48.357, or 48.365 described in sub. (1) (a), the court shall schedule an extension hearing under s. 48.365. If the court determines that the person wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the court shall order the agency primarily responsible for providing services to the person under the order to provide transition-to-independent-living services for the person under ~~a~~ that voluntary agreement ~~under sub. (3).~~

**SECTION 7.** 48.38 (2m) of the statutes is created to read:

48.38 (2m) CONSULTATION WITH CHILD 14 OR OVER. The agency responsible for preparing the permanency plan for a child 14 years of age or over shall prepare the plan and any revisions of the plan in consultation with the child and, at the option of the child, with not more than 2 persons selected by the child who are members of any child and family team convened for the child, except that the child may not select his or her caregiver or caseworker to consult in the preparation or revision of the permanency plan and the agency may reject a person selected by the child if the agency has good cause to believe that the person would not act in the best interests of the child. The agency may designate one of the persons selected by the child to be the child's adviser and, as necessary, the child's advocate, with respect to application of the reasonable and prudent parent standard to decisions concerning the child's participation in age or developmentally appropriate activities.

**SECTION 8.** 48.38 (4) (f) 3. of the statutes is amended to read:

48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe return of the child to his or her home, or, if appropriate, obtain for the child a placement for adoption, with a guardian, or with a fit and willing relative, or, in the case of a child 16 years of age or over, obtain for the child, if appropriate, a placement in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult.

**SECTION 9.** 48.38 (4) (fg) 5. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.38 (4) (fg) 5. ~~As provided in par. (fm), placement in~~ In the case of a child 16 years of age or over, placement of the child in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult, ~~including sustaining care, or the goal of transitioning the child to independence.~~

**SECTION 10.** 48.38 (4) (fm) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.38 (4) (fm) If the agency determines that there is a compelling reason why it currently would not be in the best interests of ~~the~~ a child 16 years of age or over to return the child to his or her home or to place the child for adoption, with a guardian, or with a fit and willing relative as the permanency goal for the child, the permanency goal of placing the child in some other planned permanent living arrangement ~~or of transitioning the child to independence as described in par. (fg) 5.~~ If the agency makes that determination, the plan shall include the efforts made to achieve that permanency goal, including, if appropriate, through an out-of-state placement, a statement of that compelling reason, and, notwithstanding that compelling reason, a concurrent plan under s.

48.355 (2b) towards achieving a goal under par. (fg) 1. to 4. as a concurrent permanency goal in addition to the permanency goal under par. (fg) 5. The plan shall also include a plan to ensure that the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities determined in accordance with the reasonable and prudent parent standard.

**SECTION 11.** 48.38 (4) (h) (intro.) of the statutes is amended to read:

48.38 (4) (h) (intro.) If the child is ~~15~~ 14 years of age or over, ~~an independent living~~ a plan describing the programs and services that are or will be provided to assist the child in preparing for the transition from out-of-home care to ~~independent living~~ a successful adulthood. The plan shall include all of the following:

**SECTION 12.** 48.38 (4) (h) 2. of the statutes is amended to read:

48.38 (4) (h) 2. The anticipated amount of time available in which to prepare the child for the transition from out-of-home care to ~~independent living~~ a successful adulthood.

**SECTION 13.** 48.38 (4) (h) 4. of the statutes is amended to read:

48.38 (4) (h) 4. A description of the assessment processes, tools, and methods that have been or will be used to determine the programs and services that are or will be provided to assist the child in preparing for the transition from out-of-home care to ~~independent living~~ a successful adulthood.

**SECTION 14.** 48.38 (4) (h) 5. of the statutes is amended to read:

48.38 (4) (h) 5. The rationale for each program or service that is or will be provided to assist the child in preparing for the transition from out-of-home care to ~~independent living~~ a successful adulthood, the time frames for delivering those programs or services, and the intended outcome of those programs or services.

**SECTION 15.** 48.38 (4) (h) 6. of the statutes is created to read:

48.38 (4) (h) 6. Documentation that the plan was prepared in consultation with the child and any persons selected by the child as required under sub. (2m).

**SECTION 16.** 48.38 (4) (h) 7. of the statutes is created to read:

48.38 (4) (h) 7. A document that describes the rights of the child with respect to education, health, visitation, and participation in court proceedings, the right of the child to receive the documents and information specified in s. 48.385 (2), the right of the child to receive a copy of the child's consumer report, as defined in [15 USC 1681a](#) (d), and the right of the child to stay safe and to avoid exploitation, together with a signed acknowledgement by the child that he or she has been provided with a copy of that document and that the rights described in that document have been explained to him or her in an age-appropriate and developmentally appropriate way.

**SECTION 17.** 48.38 (5) (bm) 3. of the statutes is created to read:

48.38 (5) (bm) 3. If the permanency goal of the child's permanency plan is placement of the child in a planned permanent living arrangement described in sub. (4) (fg) 5., the agency that prepared the permanency plan shall present to the court or panel specific information showing that intensive and ongoing efforts were made by the agency, including searching social media, to return the child to the child's home or to place the child for adoption, with a guardian, or with a fit and willing relative and that those efforts have proved unsuccessful and specific information showing the steps taken by the agency, including consultation with the child, to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to ensure that the child's caregiver is applying the reasonable and prudent parent standard to decisions concerning the child's participation in those activities. In addition, at the review the court or panel shall consult with the child about the permanency outcome desired by the child.

**SECTION 18.** 48.38 (5) (c) 1. of the statutes is amended to read:

48.38 (5) (c) 1. The continuing necessity for and the safety and appropriateness of the placement. If the permanency goal of the child's permanency plan is placement of the child in a planned permanent living arrangement described in sub. (4) (fg) 5., the determination under this subdivision shall include an explanation of why the planned permanent living arrangement is the best permanency goal for the child and why, supported by compelling reasons, it continues not to be in the best interests of the child to be returned to his or her home or to be placed for adoption, with a guardian, or with a fit and willing relative.

**SECTION 19.** 48.38 (5) (c) 6. d. of the statutes, as affected by [2015 Wisconsin Act 55](#), is amended to read:

48.38 (5) (c) 6. d. Being placed in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult, ~~including sustaining care, or transitioning to independence.~~

**SECTION 20.** 48.38 (5) (c) 7m. of the statutes is created to read:

48.38 (5) (c) 7m. If the permanency goal of the child's permanency plan is placement of the child in a planned permanent living arrangement described in sub. (4) (fg) 5., the steps taken by the agency, including consultation with the child, to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to ensure that the child's caregiver is applying the reasonable and prudent parent standard to decisions concerning the child's participation in those activities.

**SECTION 21.** 48.38 (5) (c) 9. of the statutes, as affected by [2015 Wisconsin Act 55](#), is amended to read:

48.38 (5) (c) 9. If the child is the subject of an order that terminates as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4. or 48.365 (5) (b) 4. or of a voluntary transition-to-independent-living agreement under s. 48.366 (3), the appropriateness of the transition-to-independent-living plan developed under s. 48.385 (1); the extent of compliance with that plan by the child, the child's guardian, if any, the agency primarily responsible for providing services under that plan, and any other service providers; and the progress of the child toward making the transition to independent living a successful adulthood.

**SECTION 22.** 48.38 (5m) (c) 3. of the statutes is created to read:

48.38 (5m) (c) 3. If the permanency goal of the child's permanency plan is placement of the child in a planned permanent living arrangement described in sub. (4) (fg) 5., the agency that prepared the permanency plan shall present to the court specific information showing that intensive and ongoing efforts were made by the agency, including searching social media, to return the child to the child's home or to place the child for adoption, with a guardian, or with a fit and willing relative and that those efforts have proved unsuccessful and specific information showing the steps taken by the agency, including consultation with the child, to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to ensure that the child's caregiver is applying the reasonable and prudent parent standard to decisions concerning the child's participation in those activities. In addition, at the hearing the court shall consult with the child about the permanency outcome desired by the child.

**SECTION 23.** 48.383 of the statutes is created to read:

**48.383 Reasonable and prudent parent standard.**

(1) **USE OF STANDARD BY OUT-OF-HOME CARE PROVIDERS.** An out-of-home care provider shall use the reasonable and prudent parent standard in making decisions concerning a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. In making decisions using the reasonable and prudent parent standard, an out-of-home care provider shall consider the restrictiveness of the child's placement and whether the child has the necessary training and safety equipment to safely participate in the activity under consideration and may not make any decision that is in violation of any court order or any state or federal law, rule, or regulation.

(2) **CHILD-SPECIFIC CONSIDERATIONS REQUIRED.** (a) At the time of placement of a child with an out-of-home care provider, the agency that places, or that arranges the placement of, the child or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall provide to the out-of-home care provider the information that is required to be provided to an out-of-home care provider under the rules promul-

gated under s. 895.485 (4) (a) and information that is specific to the child for the out-of-home care provider to consider in making reasonable and prudent parenting decisions concerning the child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. In preparing that information or any revisions of that information, the agency shall do all of the following:

1. If reasonably possible to do so, consult with the child's parent concerning the child's participation in extracurricular, enrichment, cultural, and social activities and the child's cultural, religious, and tribal values and advise the parent that those values will be considered, but will not necessarily be the determining factor, in making decisions concerning the child's participation in those activities.

2. Consult with the child in an age-appropriate manner about the opportunities of the child to participate in age or developmentally appropriate activities.

(b) At the time of placement of a child with an out-of-home care provider, the agency providing the information under par. (a) shall explain to the out-of-home care provider the parameters of the considerations that the out-of-home care provider is required to take into account when making decisions concerning the child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. In explaining those parameters, the agency shall explain the considerations and prohibitions specified in sub. (1) and shall advise the out-of-home care provider that in case of any disagreement over the application of the reasonable and prudent parent standard, the agency having placement and care responsibility for the child is ultimately responsible for decisions concerning the care of the child.

(c) In preparing or revising the permanency plan for a child, the agency responsible for preparing or revising the permanency plan shall consult with the child and the child's parent as provided in par. (a) 1. and 2. At the time the permanency plan is prepared and each time the permanency plan is revised, that agency shall explain to the out-of-home care provider the parameters of the considerations that the out-of-home care provider is required to take into account when making decisions concerning the child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities as provided in par. (b).

(3) **RULES.** The department shall promulgate rules to implement this section.

**SECTION 24.** 48.385 of the statutes, as affected by 2015 Wisconsin Act 55, is renumbered 48.385 (intro.) and amended to read:

**48.385 Plan for transition to independent living.** (intro.) 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, in the home of a rela-

tive other than a parent, or in a supervised independent living arrangement attains 18 years of age or, if the child is placed in such a placement under an order under s. 48.355, 48.357, or 48.365 that terminates under s. 48.355 (4) (b) after the child attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) that terminates under s. 48.366 (3) (a) after the child attains 18 years of age, during the 90 days immediately before the termination of the order or agreement, the agency primarily responsible for providing services to the child under the order or agreement shall provide do all of the following:

**(1) TRANSITION PLAN.** 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 25.** 48.385 (2) of the statutes is created to read:

48.385 (2) IDENTIFICATION DOCUMENTS AND OTHER INFORMATION. Except as provided in this subsection, ensure that the child is in possession of a certified copy of the child's birth certificate, a social security card issued by the federal social security administration, information on maintaining health care coverage, a copy of the child's health care records, and either an operator's license issued under ch. 343 or an identification card issued under s. 343.50. If the child is not in possession of any of those documents or that information, the agency shall assist the child in obtaining any missing document or information. This subsection does not apply to a child who has been placed in out-of-home care for less than 6 months.

**SECTION 26.** 48.427 (1) of the statutes is amended to read:

48.427 (1) Any party may present evidence relevant to the issue of disposition, including expert testimony, and may make alternative dispositional recommendations to the court. After receiving any evidence related to the disposition, the court shall enter one of the dispositions specified under subs. (2) to (4) (3p) within 10 days.

**SECTION 27.** 48.427 (4) of the statutes is repealed.

**SECTION 28.** 48.427 (5) of the statutes is amended to read:

48.427 (5) In placing an Indian child in a preadoptive placement following a transfer of guardianship and custody under sub. (3m) or (3p) ~~or in placing an Indian child in sustaining care under sub. (4)~~, the court or an agency specified in sub. (3m) (a) 1. to 4. or (am) shall comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court

or agency finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

**SECTION 29.** 48.428 of the statutes is repealed.

**SECTION 30.** 48.43 (4) of the statutes is amended to read:

48.43 (4) A certified copy of the order terminating parental rights shall be furnished by the court to the agency given guardianship for placement for adoption of the child or ~~to the person or agency given custodianship or guardianship for placement of the child in sustaining care~~ and to the person appointed as the guardian of the child under s. 48.977 (2). The court shall, upon request, furnish a certified copy of the child's birth certificate and a transcript of the testimony in the termination of parental rights hearing to the same person or agency.

**SECTION 31.** 48.43 (5) (b) 2m. of the statutes is created to read:

48.43 (5) (b) 2m. If the permanency goal of the child's permanency plan is placement of the child in a planned permanent living arrangement described in ss. 48.38 (4) (fg) 5., the agency that prepared the report shall present to the court specific information showing that intensive and ongoing efforts were made by the agency, including searching social media, to return the child to the child's home or to place the child for adoption, with a guardian, or with a fit and willing relative and that those efforts have proved unsuccessful and specific information showing the steps taken by the agency, including consultation with the child, to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to ensure that the child's caregiver is applying the reasonable and prudent parent standard to decisions concerning the child's participation in those activities. In addition, at the hearing the court shall consult with the child about the permanency outcome desired by the child.

**SECTION 32.** 48.481 (2) of the statutes is amended to read:

48.481 (2) TRANSITION TO INDEPENDENT LIVING A SUCCESSFUL ADULTHOOD. The department shall distribute at least \$231,700 in each fiscal year for the purpose of assisting individuals who attain the age of 18 while residing in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, or in a supervised independent living arrangement to make the transition from out-of-home care to independent living a successful adulthood. No county may use funds provided under this subsection to replace funds previously used by the county for this purpose.

**SECTION 33.** 48.627 (title) of the statutes is amended to read:

**48.627 (title) Foster and family-operated group home parent insurance and liability.**

**SECTION 34.** 48.627 (1) of the statutes is repealed.

**SECTION 35.** 48.627 (2) (a) of the statutes is amended to read:

48.627 (2) (a) Before the department, a county department, or a licensed child welfare agency may issue, renew, or continue a foster home ~~or family-operated group home~~ license, the licensing agency shall require the applicant to furnish proof satisfactory to the licensing agency that he or she has homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by children placed in a foster home ~~or family-operated group home~~ that result in bodily injury or property damage to 3rd parties.

**SECTION 36.** 48.627 (2c) of the statutes is amended to read:

48.627 (2c) The department shall determine the cost-effectiveness of purchasing private insurance that would provide coverage to foster ~~and family-operated group home~~ parents for acts or omissions by or affecting a child who is placed in a foster home ~~or a family-operated group home~~. If this private insurance is cost-effective and available, the department shall purchase the insurance from the appropriations under s. 20.437 (1) (cf) and (pd). If the insurance is unavailable, payment of claims for acts or omissions by or affecting a child who is placed in a foster home ~~or a family-operated group home~~ shall be in accordance with subs. (2m) to (3).

**SECTION 37.** 48.627 (2m) of the statutes is amended to read:

48.627 (2m) Within the limits of the appropriations under s. 20.437 (1) (cf) and (pd), the department shall pay claims to the extent not covered by any other insurance and subject to the limitations specified in sub. (3), for bodily injury or property damage sustained by a licensed foster ~~or family-operated group home~~ parent or a member of the foster ~~or family-operated group home~~ parent's family as a result of the act of a child in the foster ~~or family-operated group home~~ parent's care or as a result of an act or omission of the foster parent in granting permission for a child in the foster parent's care to participate in an age or developmentally appropriate activity.

**SECTION 38.** 48.627 (2s) (a) of the statutes is amended to read:

48.627 (2s) (a) Acts or omissions of the foster ~~or family-operated group home~~ parent that result in bodily injury to the child who is placed in the foster home ~~or family-operated group home~~ or that form the basis for a civil action for damages by the foster child's parent against the foster ~~or family-operated group home~~ parent.

**SECTION 39.** 48.627 (2s) (am) of the statutes is created to read:

48.627 (2s) (am) Acts or omission of the foster parent in granting permission for a child who is placed in the foster home to participate in an age or developmentally appropriate activity.

**SECTION 40.** 48.627 (2s) (b) of the statutes is amended to read:

48.627 (2s) (b) Bodily injury or property damage caused by an act or omission of a child who is placed in the foster ~~or family-operated group home~~ parent's care for which the foster ~~or family-operated group home~~ parent becomes legally liable.

**SECTION 41.** 48.627 (3) (b) of the statutes is amended to read:

48.627 (3) (b) A claim under sub. (2m) shall be submitted to the department within 90 days after the bodily injury or property damage occurs. A claim under sub. (2s) shall be submitted to the department within 90 days after a foster ~~or family-operated group home~~ parent learns that a legal action has been commenced against that parent. No claim may be paid under this subsection unless it is submitted within the time limits specified in this paragraph.

**SECTION 42.** 48.627 (3) (d) of the statutes is amended to read:

48.627 (3) (d) No claim may be approved in an amount exceeding the total amount available for paying claims under this subsection in the fiscal year during which the claim is submitted. No claim for property damage sustained by a foster ~~or family-operated group home~~ parent or a member of a foster ~~or family-operated group home~~ parent's family may be approved in an amount exceeding \$250,000.

**SECTION 43.** 48.627 (3) (e) of the statutes is amended to read:

48.627 (3) (e) The department may not approve a claim unless the foster ~~or family-operated group home~~ parent submits with the claim evidence that is satisfactory to the department of the cause and value of the claim and evidence that insurance coverage is unavailable or inadequate to cover the claim. If insurance is available but inadequate, the department may approve a claim only for the amount of the value of the claim that ~~it~~ the department determines is in excess of the amount covered by insurance.

**SECTION 44.** 48.627 (3) (f) of the statutes is amended to read:

48.627 (3) (f) If the total amount of the claims approved during any calendar quarter exceeds ~~25%~~ 25 percent of the total funds available during the fiscal year for purposes of this subsection plus any unencumbered funds remaining from the previous quarter, the department shall prorate the available funds among the claimants with approved claims. The department shall also prorate any unencumbered funds remaining in the appropriation under s. 20.437 (1) (cf) at the end of each fiscal year among the claimants whose claims were prorated during the fiscal year. Payment of a prorated amount from unencumbered funds remaining at the end of the fiscal year constitutes a complete payment of the claim for purposes of this program, but does not prohibit a foster parent ~~or family-operated group home parent~~ from submitting a claim under s. 16.007 for the unpaid portion.

**SECTION 45.** 48.627 (3) (h) of the statutes is amended to read:

48.627 (3) (h) If a claim by a foster ~~or family-operated group home~~ parent or a member of the foster ~~or family-operated group home~~ parent's family is approved, the department shall deduct from the amount approved \$100 less any amount deducted by an insurance company from a payment for the same claim, except that a foster ~~or family-operated group home~~ parent and his or her family are subject to only one deductible for all claims filed in a fiscal year.

**SECTION 46.** 48.627 (4) of the statutes is amended to read:

48.627 (4) Except as provided in s. 895.485, the department is not liable for any act or omission by or affecting a child who is placed in a foster home ~~or family-operated group home~~, but shall, as provided in this section, pay claims described under sub. (2m) and may pay claims described under sub. (2s) or may purchase insurance to cover such claims as provided for under sub. (2c), within the limits of the appropriations under s. 20.437 (1) (cf) and (pd).

**SECTION 47.** 48.647 (3) (d) of the statutes is amended to read:

48.647 (3) (d) Ensure that an eligible person receiving services from the private agency's program is provided with intake, assessment, case planning, and case management services; skills development training in the areas of economic self-sufficiency, parenting, ~~independent~~ successful adult living, and life choice decision making; prenatal and other health care services, including, if necessary, mental health and alcohol and other drug abuse services; child care; and transportation.

**SECTION 48.** 48.647 (4) of the statutes is amended to read:

48.647 (4) **EVALUATION.** From the appropriation under s. 20.437 (1) (f), the department shall conduct or shall select an evaluator to conduct an evaluation of the grant program under this section and, by June 1 of the 3rd calendar year beginning after the year in which the first grant under this section is awarded, shall submit a report on that evaluation to the governor and to the appropriate standing committees under s. 13.172 (3). The evaluation shall measure the economic self-sufficiency, parenting skills, ~~independent~~ successful adult living skills, and life choice decision-making skills of the eligible persons who received services under the program and any other criteria that the department determines to be appropriate for evaluation.

**SECTION 49.** 48.67 (4) (a) 1m. of the statutes is created to read:

48.67 (4) (a) 1m. Knowledge and skills relating to the use of the reasonable and prudent parent standard in making decisions concerning a child's participation in age or developmentally appropriate activities including knowledge and skills relating to the stages in the development

of cognitive, emotional, physical, and behavioral capacities of children and knowledge and skills relating to applying that standard in making decisions regarding a child's participation in extracurricular, enrichment, cultural, or social activities, such as sports, field trips, overnight, and other recreational activities, in making decisions involving the signing of permission slips and the arrangement of transportation to and from those activities, and in making decisions regarding the child's choices with respect to transportation, employment, peer relationships, and personal expression. Those rules shall require a foster parent who has received that training to make reasonable and prudent parenting decisions in accordance with the reasonable and prudent parent standard.

**SECTION 50.** 48.67 (5) of the statutes is created to read:

48.67 (5) That all child welfare agencies that operate a residential care center for children and youth, all group homes, and all shelter care facilities employ on the site of the center, group home, or shelter care facility at all times a staff member designated as an out-of-home care provider for purposes of making decisions concerning the participation of a child placed in the center, group home, or shelter care facility in age or developmentally appropriate activities. Those rules shall also require an out-of-home care provider so designated to receive training in knowledge and skills relating to the use of the reasonable and prudent parent standard in making decisions concerning a child's participation in age or developmentally appropriate activities. In addition, those rules shall require an out-of-home care provider so trained to make reasonable and prudent parenting decisions in accordance with the reasonable and prudent parent standard.

**SECTION 51.** 48.977 (7) (e) of the statutes is amended to read:

48.977 (7) (e) *Termination on termination of parental rights.* If a court enters an order under s. 48.427 (3p) ~~or 48.428 (2) (b)~~, the court shall terminate the guardianship under this section.

**SECTION 52.** 49.34 (4) (a) of the statutes is amended to read:

49.34 (4) (a) Except as provided in this subsection, maintain a uniform double entry accounting system and a management information system ~~which that~~ are compatible with cost accounting and control systems prescribed by the department. ~~The department shall establish a simplified double entry bookkeeping system for use by family-operated group homes. Each purchaser shall determine whether a family-operated group home from which it purchases services shall use the double-entry accounting system or the simplified system and shall include this determination in the purchase of service contract. In this paragraph, "family-operated group home" means a group home licensed under s. 48.66 (1)~~

(a) for which the licensee is one or more individuals who operate not more than one group home.

**SECTION 53.** 49.34 (4) (c) of the statutes is amended to read:

49.34 (4) (c) Unless waived by the department, biennially, or annually if required under federal law, provide the purchaser with a certified financial and compliance audit report if the care and services purchased exceed \$25,000. The audit shall follow standards that the department prescribes. ~~A purchaser may waive the requirements of this paragraph for any family-operated group home, as defined in par. (a), from which it purchases services.~~

**SECTION 54.** 115.76 (12) (a) 8. of the statutes is repealed.

**SECTION 55.** 167.10 (7) of the statutes is amended to read:

167.10 (7) PARENTAL LIABILITY. A parent, foster parent, ~~family-operated group home parent, or legal guardian, or other out-of-home care provider, as defined in s. 48.02 (12r),~~ of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

**SECTION 56.** 809.107 (2) (bm) (intro.) of the statutes is amended to read:

809.107 (2) (bm) *Notice of intent to pursue postdisposition or appellate relief.* (intro.) A person shall initiate an appeal under this section by filing, within 30 days after the date of entry of the judgment or order appealed from, as specified in s. 808.04 (7m), a notice of intent to pursue postdisposition or appellate relief with the clerk of the circuit court in which the judgment or order appealed from was entered. Also within that time period, the appellant shall serve a copy of the notice of intent on the person representing the interests of the public, opposing counsel, the guardian ad litem appointed under s. 48.235 (1) (c) for the child who is the subject of the proceeding, the child's parent and any guardian and any custodian appointed under s. 48.427 (3) ~~or 48.428 (2)~~. If the record discloses that final adjudication occurred after the notice of intent was filed, the notice shall be treated as filed after entry of the judgment or order appealed from on the day of the entry of the final judgment or order. The notice of intent shall include all of the following:

**SECTION 57.** 895.485 (title) of the statutes is amended to read:

**895.485 (title) Civil liability exemption; out-of-home care providers and child-placing agencies, foster parents and family-operated group home parents.**

**SECTION 58.** 895.485 (1) (title) of the statutes is created to read:

895.485 (1) (title) DEFINITIONS.

**SECTION 59.** 895.485 (1) (a) of the statutes is repealed.

**SECTION 60.** 895.485 (1) (ag) of the statutes is created to read:

895.485 (1) (ag) "Age or developmentally appropriate activities" has the meaning given in s. 48.02 (1dm).

**SECTION 61.** 895.485 (1) (c) of the statutes is created to read:

895.485 (1) (c) "Out-of-home care provider" has the meaning given in s. 48.02 (12r).

**SECTION 62.** 895.485 (1) (d) of the statutes is created to read:

895.485 (1) (d) "Reasonable and prudent parent standard" has the meaning given in s. 48.02 (14r).

**SECTION 63.** 895.485 (2) of the statutes is amended to read:

895.485 (2) FOSTER PARENTS: LIABILITY EXEMPTION. Except as provided in ss. 167.10 (7) and 343.15 (2), any foster ~~or family-operated group home~~ parent licensed under s. 48.62 ~~or 48.625~~ is immune from civil liability for any of the following:

(a) An act or omission of the foster ~~or family-operated group home~~ parent while that parent is acting in his or her capacity as a foster ~~or family-operated group home~~ parent.

(b) An act or omission of a child who is placed in a foster home ~~or family-operated group home~~ while the child is in the foster ~~or family-operated group home~~ parent's care.

**SECTION 64.** 895.485 (3) of the statutes is amended to read:

895.485 (3) FOSTER PARENTS: EXCEPTIONS TO LIABILITY EXEMPTION. The immunity specified in sub. (2) does not apply if the act or omission of a foster ~~or family-operated group home~~ parent was not done in good faith or was not in compliance with any written instructions received from the agency that placed the child regarding specific care and supervision of the child. The good faith of a foster ~~or family-operated group home~~ parent and the compliance of the foster ~~or family-operated group home~~ parent with any written instructions received from the agency that placed the child are presumed in a civil action. Any person who asserts that a foster ~~or family-operated group home~~ parent did not act in good faith, or did not comply with written instructions received from the agency that placed the child, has the burden of proving that assertion.

**SECTION 65.** 895.485 (4) (intro.) of the statutes is amended to read:

895.485 (4) CHILD-PLACING AGENCIES: LIABILITY EXEMPTION; EXCEPTIONS. (intro.) Any agency that acts in good faith in placing a child with a foster ~~or family-operated group home~~ parent is immune from civil liability for any act or omission of the agency, the foster ~~or family-operated group home~~ parent, or the child unless all of the following occur:



**SECTION 66.** 895.485 (4) (a) of the statutes is amended to read:

895.485 (4) (a) The agency has failed to provide the foster ~~or family-operated group home~~ parent with any information relating to a medical, physical, mental, or emotional condition of the child that ~~it~~ the agency is required to disclose under this paragraph. The department of children and families shall promulgate rules specifying the kind of information that an agency shall disclose to a foster ~~or family-operated group home~~ parent that relates to a medical, physical, mental, or emotional condition of the child.

**SECTION 67.** 895.485 (5) and (6) of the statutes are created to read:

895.485 (5) **OUT-OF-HOME CARE PROVIDERS; LIABILITY EXEMPTION.** Except as provided in ss. 167.10 (7) and 343.15 (2), an out-of-home care provider who grants permission for a child in the care of the out-of-home care provider to participate in an age or developmentally appropriate activity is immune from civil liability for any act or omission of the out-of-home care provider in granting that permission if in granting that permission the out-of-home care provider applied the reasonable and prudent parent standard in accordance with the requirements of ss. 48.383 (1) and 938.383 (1) and the rules promulgated under ss. 48.383 (3) and 938.383 (3). The immunity provided under this subsection applies only to the decision granting that permission itself and does not extend to any other act or omission of the out-of-home care provider, including any act or omission relating to the out-of-home care provider's duty to comply with any provision of licensure under s. 48.70, rule promulgated under s. 48.67, or any other statute, rule, or regulation that is applicable to the out-of-home care provider's duty to protect the health, safety, and welfare of the child. The immunity provided under this subsection does not affect any immunity from, limitation on, or defense to liability that is available under any other statute or the common law.

(6) **OUT-OF-HOME CARE PROVIDERS; LIABILITY EXEMPTION; PRESUMPTIONS.** An out-of-home care provider who grants permission for a child in the care of the out-of-home care provider to participate in an age or developmentally appropriate activity is presumed to have applied the reasonable and prudent parent standard in granting that permission. Any person who asserts that an out-of-home care provider did not apply the reasonable and prudent parent standard in granting that permission has the burden of proving that assertion.

**SECTION 68.** 938.02 (1g) of the statutes is created to read:

938.02 (1g) "Age or developmentally appropriate activities" means activities that are generally accepted as suitable for juveniles of a given chronological age or level of maturity or that are determined to be developmentally appropriate for a juvenile based on the cogni-

tive, emotional, physical, and behavioral capacities that are typical for juveniles of a given age or age group or, in the case of a specific juvenile, activities that are suitable for the juvenile based on the cognitive, emotional, physical, and behavioral capacities of that juvenile.

**SECTION 69.** 938.02 (12r) of the statutes is created to read:

938.02 (12r) "Out-of-home care provider" means a foster parent, guardian, relative other than a parent, or nonrelative in whose home a juvenile is placed, or the operator of a group home, residential care center for children and youth, or shelter care facility in which a juvenile is placed, under the placement and care responsibility of the department of children and families, the department of corrections, or a county department. "Out-of-home care provider" also includes, in the case of a juvenile placed in a group home, residential care center for children and youth, or shelter care facility, a staff member employed on the site of that home, center, or facility who has been designated by the operator of that home, center, or facility as an out-of-home care provider for purposes of making decisions concerning the juvenile's participation in age or developmentally appropriate activities.

**SECTION 70.** 938.02 (14r) of the statutes is created to read:

938.02 (14r) "Reasonable and prudent parent standard" means a standard for an out-of-home care provider to use in making decisions concerning a juvenile's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of the juvenile while at the same time encouraging the emotional and developmental growth of the juvenile.

**SECTION 71.** 938.366 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.366 (2) (b) 4. If the court determines that the person who is the subject of an order described in sub. (1) (a) understands that he or she may continue in out-of-home care, but wishes to be discharged from that care on termination of the order, the court shall advise the person that he or she may enter into a voluntary agreement under sub. (3) at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she 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 him or her. If the court determines that the person wishes to continue in out-of-home care under an extension of the order described in sub. (1) (a), the court shall schedule an extension hearing under s. 938.365. If the court determines that the person wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the court shall order the agency primarily responsible for

providing services to the person under the order to provide transition-to-independent-living services for the person under ~~a that~~ voluntary agreement under sub. (3).

**SECTION 72.** 938.38 (2m) of the statutes is created to read:

938.38 (2m) CONSULTATION WITH JUVENILE 14 OR OVER. The agency responsible for preparing the permanency plan for a juvenile 14 years of age or over shall prepare the plan and any revisions of the plan in consultation with the juvenile and, at the option of the juvenile, with not more than 2 persons selected by the juvenile who are members of any child and family team convened for the juvenile, except that the juvenile may not select his or her caregiver or caseworker to consult in the preparation or revision of the permanency plan and the agency may reject a person selected by the juvenile if the agency has good cause to believe that the person would not act in the best interests of the juvenile. The agency may designate one of the persons selected by the juvenile to be the juvenile's adviser and, as necessary, the juvenile's advocate, with respect to application of the reasonable and prudent parent standard to decisions concerning the juvenile's participation in age or developmentally appropriate activities.

**SECTION 73.** 938.38 (4) (f) 3. of the statutes is amended to read:

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

**SECTION 74.** 938.38 (4) (fg) 5. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.38 (4) (fg) 5. ~~As provided in par. (fm), placement in~~ In the case of a juvenile 16 years of age or over, placement of the juvenile in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult, ~~including sustaining care, or the goal of transitioning the juvenile to independence.~~

**SECTION 75.** 938.38 (4) (fm) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.38 (4) (fm) If the agency determines that there is a compelling reason why it currently would not be in the best interests of the a juvenile 16 years of age or over to return the juvenile to his or her home or to place the juvenile for adoption, with a guardian, or with a fit and willing relative as the permanency goal for the juvenile, the permanency goal of placing the juvenile in some other planned permanent living arrangement ~~or of transitioning the juvenile to independence as described in par. (fg) 5.~~ If the agency makes that determination, the plan shall include the efforts made to achieve that permanency

goal, including, if appropriate, through an out-of-state placement, a statement of that compelling reason, and, notwithstanding that compelling reason, a concurrent plan under s. 938.355 (2b) towards achieving a goal under par. (fg) 1. to 4. as a concurrent permanency goal in addition to the permanency goal under par. (fg) 5. The plan shall also include a plan to ensure that the juvenile has regular, ongoing opportunities to engage in age or developmentally appropriate activities determined in accordance with the reasonable and prudent parent standard.

**SECTION 76.** 938.38 (4) (h) (intro.) of the statutes is amended to read:

938.38 (4) (h) (intro.) If the juvenile is ~~45~~ 14 years of age or older, ~~an independent living~~ a plan describing the programs and services that are or will be provided to assist the juvenile in preparing for the transition from out-of-home care to ~~independent living~~ a successful adulthood. The plan shall include all of the following:

**SECTION 77.** 938.38 (4) (h) 2. of the statutes is amended to read:

938.38 (4) (h) 2. The anticipated amount of time available in which to prepare the juvenile for the transition from out-of-home care to ~~independent living~~ a successful adulthood.

**SECTION 78.** 938.38 (4) (h) 4. of the statutes is amended to read:

938.38 (4) (h) 4. A description of the assessment processes, tools, and methods that have been or will be used to determine the programs and services that are or will be provided to assist the juvenile in preparing for the transition from out-of-home care to ~~independent living~~ a successful adulthood.

**SECTION 79.** 938.38 (4) (h) 5. of the statutes is amended to read:

938.38 (4) (h) 5. The rationale for each program or service that is or will be provided to assist the juvenile in preparing for the transition from out-of-home care to ~~independent living~~ a successful adulthood, the time frames for delivering those programs or services, and the intended outcome of those programs or services.

**SECTION 80.** 938.38 (4) (h) 6. of the statutes is created to read:

938.38 (4) (h) 6. Documentation that the plan was prepared in consultation with the juvenile and any persons selected by the juvenile as required under sub. (2m).

**SECTION 81.** 938.38 (4) (h) 7. of the statutes is created to read:

938.38 (4) (h) 7. A document that describes the rights of the juvenile with respect to education, health, visitation, and participation in court proceedings, the right of the juvenile to receive the documents and information specified in s. 938.385 (2), the right of the juvenile to receive a copy of the juvenile's consumer report, as defined in 15 USC a (d), and the right of the juvenile to stay safe and to avoid exploitation, together with a signed

acknowledgement by the juvenile that he or she has been provided with a copy of that document and that the rights described in that document have been explained to him or her in an age-appropriate and developmentally appropriate way.

**SECTION 82.** 938.38 (5) (bm) 3. of the statutes is created to read:

938.38 (5) (bm) 3. If the permanency goal of the juvenile's permanency plan is placement of the juvenile in a planned permanent living arrangement described in sub. (4) (fg) 5., the agency that prepared the permanency plan shall present to the court or panel specific information showing that intensive and ongoing efforts were made by the agency, including searching social media, to return the juvenile to the juvenile's home or to place the juvenile for adoption, with a guardian, or with a fit and willing relative and that those efforts have proved unsuccessful and specific information showing the steps taken by the agency, including consultation with the juvenile, to ascertain whether the juvenile has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to ensure that the juvenile's caregiver is applying the reasonable and prudent parent standard to decisions concerning the juvenile's participation in those activities. In addition, at the review the court or panel shall consult with the juvenile about the permanency outcome desired by the juvenile.

**SECTION 83.** 938.38 (5) (c) 1. of the statutes is amended to read:

938.38 (5) (c) 1. The continuing necessity for and the safety and appropriateness of the placement. If the permanency goal of the juvenile's permanency plan is placement of the juvenile in a planned permanent living arrangement described in sub. (4) (fg) 5., the determination under this subdivision shall include an explanation of why the planned permanent living arrangement is the best permanency goal for the juvenile and why, supported by compelling reasons, it continues not to be in the best interests of the juvenile to be returned to his or her home or to be placed for adoption, with a guardian, or with a fit and willing relative.

**SECTION 84.** 938.38 (5) (c) 6. d. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.38 (5) (c) 6. d. Being placed in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult, ~~including sustaining care, or transitioning to independence.~~

**SECTION 85.** 938.38 (5) (c) 7m. of the statutes is created to read:

938.38 (5) (c) 7m. If the permanency goal of the juvenile's permanency plan is placement of the juvenile in a planned permanent living arrangement described in sub. (4) (fg) 5., the steps taken by the agency, including consultation with the juvenile, to ascertain whether the juvenile has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to ensure

that the juvenile's caregiver is applying the reasonable and prudent parent standard to decisions concerning the juvenile's participation in those activities.

**SECTION 86.** 938.38 (5) (c) 9. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.38 (5) (c) 9. If the juvenile is the subject of an order that terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4. or of a voluntary transition-to-independent-living agreement under s. 938.366 (3), the appropriateness of the transition-to-independent-living plan developed under s. 938.385 (1); the extent of compliance with that plan by the juvenile, the juvenile's guardian, if any, the agency primarily responsible for providing services under that plan, and any other service providers; and the progress of the juvenile toward making the transition to ~~independent-living~~ a successful adulthood.

**SECTION 87.** 938.38 (5m) (c) 3. of the statutes is created to read:

938.38 (5m) (c) 3. If the permanency goal of the juvenile's permanency plan is placement of the juvenile in a planned permanent living arrangement described in sub. (4) (fg) 5., the agency that prepared the permanency plan shall present to the court specific information showing that intensive and ongoing efforts were made by the agency, including searching social media, to return the juvenile to the juvenile's home or to place the juvenile for adoption, with a guardian, or with a fit and willing relative and that those efforts have proved unsuccessful and specific information showing the steps taken by the agency, including consultation with the juvenile, to ascertain whether the juvenile has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to ensure that the juvenile's caregiver is applying the reasonable and prudent parent standard to decisions concerning the juvenile's participation in those activities. In addition, at the hearing the court shall consult with the juvenile about the permanency outcome desired by the juvenile.

**SECTION 88.** 938.383 of the statutes is created to read:

**938.383 Reasonable and prudent parent standard.** (1) USE OF STANDARD BY OUT-OF-HOME CARE PROVIDERS. An out-of-home care provider shall use the reasonable and prudent parent standard in making decisions concerning a juvenile's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. In making decisions using the reasonable and prudent parent standard, an out-of-home care provider shall consider the restrictiveness of the juvenile's placement and whether the juvenile has the necessary training and safety equipment to safely participate in the activity under consideration and may not make any decision that is in violation of any court order or any state or federal law, rule, or regulation.

(2) JUVENILE-SPECIFIC CONSIDERATIONS REQUIRED. (a) At the time of placement of a juvenile with an out-

of-home care provider, the agency that places, or that arranges the placement of, the juvenile or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. provide to the out-of-home care provider the information that is required to be provided to an out-of-home care provider under the rules promulgated under s. 895.485 (4) (a) and information that is specific to the juvenile for the out-of-home care provider to consider in making reasonable and prudent parenting decisions concerning the juvenile's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. In preparing that information or any revisions of that information, the agency shall do all of the following:

1. If reasonably possible to do so, consult with the juvenile's parent and other members of the juvenile's family concerning the juvenile's participation in extracurricular, enrichment, cultural, and social activities and the juvenile's cultural, religious, and tribal values and advise the parent that those values will be considered, but will not necessarily be the determining factor, in making decisions concerning the juvenile's participation in those activities.

2. Consult with the juvenile in an age-appropriate manner about the opportunities of the juvenile to participate in age or developmentally appropriate activities.

(b) At the time of placement of a juvenile with an out-of-home care provider, the agency providing the information under par. (a) shall explain to the out-of-home care provider the parameters of the considerations that the out-of-home care provider is required to take into account when making decisions concerning the juvenile's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. In explaining those parameters, the agency shall explain the considerations and prohibitions specified in sub. (1) and shall advise the out-of-home care provider that in case of any disagreement over the application of the reasonable and prudent parent standard, the agency having placement and care responsibility for the juvenile is ultimately responsible for decisions concerning the care of the juvenile.

(c) In preparing or revising the permanency plan for a juvenile, the agency responsible for preparing or revising the permanency plan shall consult with the juvenile and the juvenile's parent as provided in par. (a) 1. and 2. At the time the permanency plan is prepared and each time the permanency plan is revised, that agency shall explain to the out-of-home care provider the parameters of the considerations that the out-of-home care provider is required to take into account when making decisions concerning the juvenile's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities as provided in par. (b).

(3) RULES. The department of children and families shall promulgate rules to implement this section.

**SECTION 89.** 938.385 of the statutes, as affected by 2015 Wisconsin Act 55, is renumbered 938.385 (intro.) and amended to read:

**938.385 Plan for transition to independent living.** (intro.) During the 90 days immediately before a juvenile who is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, or in a supervised independent living arrangement attains 18 years of age or, if the juvenile is placed in such a placement under an order under s. 938.355, 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 938.366 (3) that terminates under s. 938.366 (3) (a) after the juvenile attains 18 years of age, during the 90 days immediately before the termination of the order or agreement, the agency primarily responsible for providing services to the juvenile under the order or agreement shall provide do all of the following:

**(1) TRANSITION PLAN.** Provide the juvenile 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 juvenile, shall be as detailed as the juvenile directs, and shall include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services.

**SECTION 90.** 938.385 (2) of the statutes is created to read:

**938.385 (2) IDENTIFICATION DOCUMENTS AND OTHER INFORMATION.** Except as provided in this subsection, ensure that the juvenile is in possession of a certified copy of the juvenile's birth certificate, a social security card issued by the federal social security administration, information on maintaining health care coverage, a copy of the juvenile's health care records, and either an operator's license issued under ch. 343 or an identification card issued under s. 343.50. If the juvenile is not in possession of any of those documents or that information, the agency shall assist the juvenile in obtaining any missing document or information. This subsection does not apply to a juvenile who has been placed in out-of-home care for less than 6 months.

**SECTION 91. Nonstatutory provisions.**

**(1) REASONABLE AND PRUDENT PARENT STANDARD; EMERGENCY RULES.** Using the procedure under section 227.24 of the statutes, the department of children and families may promulgate the rules required under sections 48.383 (3), 48.67 (4) (a) 1m. and (5), and 938.383 (3) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under those sections, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and

(3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2) **ELIMINATION OF SUSTAINING CARE; TRANSITIONAL PROVISIONS.**

(a) *Temporary continuation in sustaining care.* Notwithstanding the repeal of section 48.428 of the statutes by this act, all of the following apply:

1. A child 16 years of age or over who is in sustaining care under a sustaining care contract entered into before the effective date of this subdivision may remain in sustaining care until the termination date of the contract.

2. A child under 16 years of age who is in sustaining care under a sustaining care contract entered into before the effective date of this subdivision may remain in sustaining care until the next permanency plan review or hearing for the child, at which time the child's permanency plan shall be amended to provide for a permanency goal other than placement in sustaining care.

(b) *Continued application of laws.* Notwithstanding the repeal of sections 48.428 and 115.76 (12) (a) 8. of the statutes and the amendment of section 809.107 (2) (bm) (intro.) of the statutes by this act, those provisions shall continue to apply to a child described in paragraph (a) 1. or 2. or until the child is no longer placed in sustaining care.

**SECTION 92. Initial applicability.**

(1) **PERMANENCY PLAN PREPARATION AND CONTENTS.**

(a) *Generally.* Except as provided in paragraph (b), the treatment of sections 48.38 (2m) and (4) (f) 3., (fg) 5., (fm), and (h) (intro.), 2., 4., 5., 6., and 7. and 938.38 (2m) and (4) (f) 3., (fg) 5., (fm), and (h) (intro.), 2., 4., 5., 6., and 7. of the statutes first applies to a permanency plan filed on the effective date of this subsection.

(b) *Children under tribal responsibility.* The treatment of sections 48.38 (4) (f) 3., (fg) 5., and (fm) and 938.38 (4) (f) 3., (fg) 5., and (fm) of the statutes first applies to a permanency plan for a child who is in out-

of-home care under the responsibility of an Indian tribe, tribal organization, or tribal consortium filed on September 29, 2017.

(2) **PERMANENCY PLAN REVIEWS AND HEARINGS.**

(a) *Generally.* Except as provided in paragraph (b), the treatment of sections 48.38 (5) (bm) 3. and (c) 1., 7m., and 9. and (5m) (c) 3., 48.43 (5) (b) 2m., and 938.38 (5) (bm) 3. and (c) 1., 7m., and 9. and (5m) (c) 3. of the statutes first applies to a permanency plan review or hearing for which notice is provided on the effective date of this subsection.

(b) *Children under tribal responsibility.* The treatment of sections 48.38 (5) (bm) 3. and (c) 1. and 7m. and (5m) (c) 3., 48.43 (5) (b) 2m., and 938.38 (5) (bm) 3. and (c) 1. and 7m. and (5m) (c) 3. of the statutes first applies to a review or hearing for a permanency plan for a child who is in out-of-home care under the responsibility of an Indian tribe, tribal organization, or tribal consortium for which notice is provided on September 29, 2017.

(3) **TRANSITION TO INDEPENDENT LIVING.** The renumbering and amendment of sections 48.385 and 938.385 of the statutes and the creation of sections 48.385 (2) and 938.385 (2) of the statutes first apply to a child who attains 18 years of age or whose order under section 48.355 (4) (b) or 938.355 (4) (am) of the statutes terminates, whichever is later, 90 days after the effective date of this subsection.

(4) **PARTICIPATION OF CHILD IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.** The treatment of sections 48.02 (1dm), (12r), and (14r), 48.383, 48.627 (2s) (am), 167.10 (7), 895.485 (title), (1) (a), (ag), (c), and (d), (2), (3), (4) (intro.) and (a), (5), and (6), 938.02 (1g), (12r), and (14r), and 938.383 of the statutes first applies to permission for a child to engage in an age or developmentally appropriate activity granted on the effective date of this subsection.

**SECTION 93. Effective date.**

(1) **PERMANENCY PLANNING FOR CHILDREN 14 YEARS OF AGE OR OVER AND USE OF REASONABLE AND PRUDENT PARENT STANDARD.** This act takes effect on November 1, 2015, or on the day after publication, whichever is later.