



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-3323/1

MDE:emw

2025 ASSEMBLY BILL 328

July 8, 2025 - Introduced by Representatives MURPHY, BEHNKE, GOEBEN, KNODL, O'CONNOR and WICHGERS, cosponsored by Senators JACQUE and WIRCH. Referred to Committee on Children and Families.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 48.78 (2) (a) and 938.78 (2) (a); *to create* 48.38 (5) (dm),
2 48.38 (5m) (dm), 938.38 (5) (dm) and 938.38 (5m) (dm) of the statutes;
3 **relating to:** providing permanency plan and comments to out-of-home care
4 providers in advance of a permanency plan review or hearing.

Analysis by the Legislative Reference Bureau

Under current law, when a child is the subject of a child or juvenile in need of protection or services (CHIPS or JIPS) proceeding, the county social or human services department, a child welfare agency, or, if the child or juvenile is located in Milwaukee County, the Department of Children and Families is required to prepare a permanency plan for the child. The permanency plan is reviewed every six months either by a review panel or at a court hearing. Before the review or hearing, the agency is required to provide a copy of the plan, and any written comments that the agency receives about the plan, to the following people: the members of the review panel; the child's parent, guardian, or legal custodian; the person representing the interests of the public; the child's counsel, guardian ad litem, or court-appointed special advocate; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the child's Indian custodian and tribe.

This bill allows an agency to provide a copy of a child's permanency plan and

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comments on the plan to a child's out-of-home care provider in the context of a permanency review and a permanency hearing. An out-of-home care provider includes a foster parent, guardian, relative other than a parent, nonrelative in whose home a child or juvenile is placed, and operator of a group home, residential care center for children and youth, or shelter care facility in which a child or juvenile is placed.

Under this bill, any information that is required to remain confidential under federal or state law must be redacted from the permanency plan before it is provided to the out-of-home care provider.

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

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

SECTION 1. 48.38 (5) (dm) of the statutes is created to read:

48.38 (5) (dm) The agency that prepared the permanency plan may provide a copy of the permanency plan and any written comments submitted under par. (bm) 1. to the out-of-home care provider of the child. A permanency plan provided to an out-of-home care provider of the child under this paragraph shall be redacted to protect information that is required to remain confidential under ss. 48.396 (1) and (2), 48.57 (3p) (i), 48.685 (2) (c) 1., 48.686 (4s) (m), 48.981 (7), 49.83, 51.30 (4), 118.125 (2), 146.82 (1), and 938.396 (1) and (2) or that is required to remain confidential under federal law.

SECTION 2. 48.38 (5m) (dm) of the statutes is created to read:

48.38 (5m) (dm) The agency that prepared the permanency plan may provide a copy of the permanency plan and any written comments submitted under par. (c) 1. to the out-of-home care provider of the child. A permanency plan provided to an out-of-home care provider of the child under this paragraph shall be redacted to protect information that is required to remain confidential under ss. 48.396 (1) and

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1 (2), 48.57 (3p) (i), 48.685 (2) (c) 1., 48.686 (4s) (m), 48.981 (7), 49.83, 51.30 (4),
2 118.125 (2), 146.82 (1), and 938.396 (1) and (2) or that is required to remain
3 confidential under federal law.

4 **SECTION 3.** 48.78 (2) (a) of the statutes is amended to read:

5 48.78 (2) (a) No agency may make available for inspection or disclose the
6 contents of any record kept or information received about an individual who is or
7 was in its care or legal custody, except as provided under sub. (2m) or s. 48.371,
8 48.38 (5) (b) ~~or~~, (d), or (dm) or (5m) (d) or (dm), 48.396 (3) (bm) or (c) 1r., 48.432,
9 48.433, 48.48 (17) (bm), 48.57 (2m), 48.66 (6), 48.93, 48.981 (7), 938.396 (2m) (c) 1r.,
10 938.51, or 938.78 or by order of the court.

11 **SECTION 4.** 938.38 (5) (dm) of the statutes is created to read:

12 938.38 (5) (dm) The agency that prepared the permanency plan may provide
13 a copy of the permanency plan and any written comments submitted under par.
14 (bm) 1. to the out-of-home care provider of the child. A permanency plan provided
15 to an out-of-home care provider of the child under this paragraph shall be redacted
16 to protect information that is required to remain confidential under ss. 48.396 (1)
17 and (2), 48.57 (3p) (i), 48.685 (2) (c) 1., 48.686 (4s) (m), 48.981 (7), 49.83, 51.30 (4),
18 118.125 (2), 146.82 (1), and 938.396 (1) and (2) or that is required to remain
19 confidential under federal law.

20 **SECTION 5.** 938.38 (5m) (dm) of the statutes is created to read:

21 938.38 (5m) (dm) The agency that prepared the permanency plan may
22 provide a copy of the permanency plan and any written comments submitted under
23 par. (c) 1. to the out-of-home care provider of the child. A permanency plan provided

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1 to an out-of-home care provider of the child under this paragraph shall be redacted
2 to protect information that is required to remain confidential under ss. 48.396 (1)
3 and (2), 48.57 (3p) (i), 48.685 (2) (c) 1., 48.686 (4s) (m), 48.981 (7), 49.83, 51.30 (4),
4 118.125 (2), 146.82 (1), and 938.396 (1) and (2) or that is required to remain
5 confidential under federal law.

6 **SECTION 6.** 938.78 (2) (a) of the statutes is amended to read:

7 938.78 (2) (a) No agency may make available for inspection or disclose the
8 contents of any record kept or information received about an individual who is or
9 was in its care or legal custody, except as provided under sub. (2m) or (3) or s. 48.396
10 (3) (bm) or (c) 1r., 938.371, 938.38 (5) (b) ~~or~~, (d), or (dm) or (5m) (d) or (dm), 938.396
11 (2m) (c) 1r., 938.51, or 938.57 (2m) or by order of the court.

12 **SECTION 7. Initial applicability.**

13 (1) PERMANENCY PLAN TO AN OUT-OF-HOME CARE PROVIDER. This act first
14 applies to a permanency review or permanency hearing commencing on the 30th
15 day after the effective date of this subsection.

16 (END)