

1 **AN ACT** *to amend* 938.38 (2), (3) (a) and (b), (4) (ar) and (h) (intro.) and (5) (a) and
2 938.39 of the statutes; **relating to:** permanency planning.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on recodification of ch. 938, the juvenile justice code. The draft proposes initial language for the recodification of that part of subchapter VII, relating to permanency planning.

3 **SECTION 1.** 938.38 (2), (3) (a) and (b), (4) (ar) and (h) (intro.) and (5) (a) of the statutes
4 are amended to read:

5 938.38 (2) **PERMANENCY PLAN REQUIRED.** Except as provided in sub. (3), for each
6 juvenile living in a foster home, treatment foster home, group home, residential care center
7 for children and youth, ~~secure~~ juvenile detention facility, or shelter care facility, the agency
8 that placed the juvenile or arranged the placement or the agency assigned primary
9 responsibility for providing services to the juvenile under s. 938.355 shall prepare a written
10 permanency plan, if any of the following conditions exists, and, for each juvenile living in the
11 home of a relative other than a parent, that agency shall prepare a written permanency plan,
12 if any of the conditions ~~specified in~~ under pars. (a) to (e) exists:

13 **(3)** (a) If the juvenile is alleged to be delinquent and is being held in a ~~secure~~ juvenile
14 detention facility, juvenile portion of a county jail or shelter care facility, and the agency
15 intends to recommend that the juvenile be placed in a ~~secured~~ juvenile correctional facility,
16 ~~a secured child caring institution or a secured group home~~, the agency is not required to submit
17 the permanency plan unless the court does not accept the recommendation of the agency. If

1 the court places the juvenile in any facility outside of the juvenile's home other than a secured
2 juvenile correctional facility, a ~~secured child caring institution~~ or a ~~secured group home~~, the
3 agency shall file the permanency plan with the court within 60 days after the date of
4 disposition.

5 (b) If the juvenile is held for less than 60 days in a ~~secure~~ juvenile detention facility,
6 juvenile portion of a county jail or a shelter care facility, no permanency plan is required if the
7 juvenile is returned to his or her home within that period.

8 (4) (ar) A description of the services offered and any services provided in an effort to
9 prevent the removal of the juvenile from his or her home, while assuring that the health and
10 safety of the juvenile are the paramount concerns, and to achieve the goal of the permanency
11 plan, ~~except that the~~. The permanency plan is not required to include a description of the
12 services offered or provided with respect to a parent of the juvenile to prevent the removal of
13 the juvenile from the home or to achieve the permanency plan goal of returning the juvenile
14 safely to his or her home if any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
15 apply to that parent.

16 (h) (intro.) If the juvenile is 15 years of age or ~~over~~ older, a description of the programs
17 and services that are or will be provided to assist the juvenile in preparing for the transition
18 from out-of-home care to independent living. The description shall include all of the
19 following:

20 (5) (a) Except as ~~provided in~~ under s. 48.63 (5) (d), the court or a panel appointed under
21 par. (ag) shall review the permanency plan in the manner provided in this subsection not later
22 than 6 months after the date on which the juvenile was first removed from his or her home and
23 every 12 months after a previous review under this subsection for as long as the juvenile is
24 placed outside the home, except that for the review that is required to be conducted not later

1 than 12 months after the juvenile was first removed from his or her home and the reviews that
2 are required to be conducted every 12 months after that review, the court shall hold a hearing
3 under sub. (5m) to review the permanency plan, ~~which.~~ The hearing may be instead of or in
4 addition to the review under this subsection.

5 **SECTION 2.** 938.39 of the statutes is amended to read:

6 **938.39 Disposition by court bars criminal proceeding.** Disposition by the court of
7 any violation of state law coming within its jurisdiction under s. 938.12 bars any future
8 criminal proceeding on the same matter in circuit court when the juvenile reaches the age of
9 17. This section does not affect criminal proceedings in circuit court ~~which~~ that were
10 transferred under s. 938.18.

11 (END)