

JK:AS:jal;

04/02/2009

1 **AN ACT** *to renumber and amend* 48.619; *to amend* 48.355 (4) and 48.647 (3) (a); and
2 *to create* 48.364 and 48.619 (2) of the statutes; **relating to:** extended court
3 jurisdiction for certain foster youth under the age of 21 years.

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

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

The draft permits certain foster youth who are in foster care when they reach the age of 18 to request an agency to petition the juvenile court to extend juvenile court jurisdiction until the foster youth reaches age 21.

4 **SECTION 1.** 48.355 (4) of the statutes is amended to read:

5 48.355 (4) TERMINATION OF ORDERS. (a) Except as provided under s. 48.368, an order
6 under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that
7 places or continues the placement of the child in his or her home shall terminate at the end of
8 one year after its entry unless the judge specifies a shorter period of time or the judge
9 terminates the order sooner.

10 (b) Except as provided under par. (bm) and s. 48.368, an order under this section or s.
11 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the
12 placement of the child in a foster home, treatment foster home, group home, or residential care
13 center for children and youth or in the home of a relative other than a parent shall terminate
14 when the child reaches 18 years of age, at the end of one year after its entry, or, if the child is
15 a full-time student at a secondary school or its vocational or technical equivalent and is
16 reasonably expected to complete the program before reaching 19 years of age, when the child

1 reaches 19 years of age, whichever is later, unless the judge specifies a shorter period of time
2 or the judge terminates the order sooner.

3 (bm) An order under s. 48.364 (3) shall terminate when the foster youth reaches 21 years
4 of age unless the judge specifies a shorter period of time or the judge terminates the order
5 sooner as provided in s. 48.364 (4).

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

10 **SECTION 2.** 48.364 of the statutes is created to read:

11 **48.364 Extending court jurisdiction for foster youth. (1)** In this section, “foster
12 youth” means a person who meets all of the following qualifications:

13 (a) Is a resident of this state under 21 years of age.

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

17 **(2) REQUEST FOR EXTENSION.** By no later than 6 months after the termination of his or
18 her dispositional order under s. 48.355 (4), a foster youth who wishes to have his or her order
19 extended under this section shall submit a request for extended court jurisdiction for foster
20 youth to the agency that was primarily responsible for providing services to the foster youth
21 under the dispositional order. A child who on termination of his or her dispositional order
22 under s. 48.355 (4) is reasonably expected to be a foster youth may also submit a request for
23 extended court jurisdiction prior to the termination of the dispositional order. On receipt of
24 a request for extended court jurisdiction for foster youth, the agency shall determine whether

1 the foster youth may be eligible for extended court jurisdiction under sub. (3). If the agency
2 determines that the foster youth may be eligible for extended court jurisdiction under sub. (3),
3 the agency shall petition the court to extend jurisdiction for the foster youth.

4 (3) The court may extend court jurisdiction for the foster youth if he or she meets one
5 of the following:

6 (a) Is employed full-time.

7 (b) Is enrolled as a full-time student at a secondary school or its vocational or technical
8 equivalent or in any program provided by an accredited, nonprofit public or private institution
9 of higher education or by a school approved under s. 38.50 that leads to a degree, diploma,
10 license, or certificate and that has an occupational, vocational, or educational objective.

11 (c) Is participating in a program or activity designed to promote or remove barriers to
12 employment.

13 (d) Is employed for at least 80 hours per month and is a part-time student at a secondary
14 school or its vocational or technical equivalent or in any program provided by an accredited,
15 nonprofit public or private institution of higher education or by a school approved under s.
16 38.50 that leads to a degree, diploma, license, or certificate and that has an occupational,
17 vocational, or educational objective.

18 (e) Is incapable of meeting any of the conditions in par. (a) to (d) due to a medical
19 condition as documented in the foster youth's case plan.

20 (4) An order under this section shall terminate on the date on which the foster youth
21 reaches 21 years of age unless the court specifies a shorter period of time or the court
22 terminates the order sooner. The court may terminate an order if the court finds any of the
23 following:

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

1 (b) The court finds that all of the following conditions are met:

2 1. The child's needs and goals for a successful transition to independent living,
3 including needs and goals relating to housing, physical and mental health, education,
4 employment, community connections, and supportive relationships, have been addressed by
5 the county, the department, in a county having a population of 500,000 or more, or the agency
6 primarily responsible for providing services under the order.

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

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

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

COMMENT: A parallel provision should be created in ch. 938, stats., the
Juvenile Justice Code.

15 **SECTION 3.** 48.619 of the statutes is renumbered 48.619 (intro.) and amended to read:

16 **48.619 Definition.** In this subchapter, "child" means a person under 18 years of age
17 and ~~also includes~~, for purposes of counting the number of children for whom a foster home,
18 treatment foster home, or group home may provide care and maintenance, a includes all of the
19 following:

20 (1) A person 18 years of age or over, but under 19 years of age, who is a full-time student
21 at a secondary school or its vocational or technical equivalent, who is reasonably expected to
22 complete the program before reaching 19 years of age, who was residing in the foster home,

1 treatment foster home, or group home immediately prior to his or her 18th birthday, and who
2 continues to reside in that foster home, treatment foster home, or group home.

3 **SECTION 4.** 48.619 (2) of the statutes is created to read:

4 48.619 (2) A foster youth, as defined in s. 48.364 (1), under extended court jurisdiction
5 for foster youth under s. 48.364 (2) who resides in that foster home, treatment foster home,
6 or group home.

7 **SECTION 5.** 48.647 (3) (a) of the statutes is amended to read:

8 48.647 (3) (a) Operate a 2nd-chance home for the care and maintenance of eligible
9 persons who are children, as defined in s. 48.619 (intro.) and (1).

10 **SECTION 6. Effective date.** This act takes effect on October 1, 2010.

11 (END)