

1       **AN ACT** *to renumber and amend* 48.619; *to amend* 48.355 (4) and 938.355 (4) (a);  
2           and *to create* 48.364, 938.355 (4) (bm) and 938.366 of the statutes; **relating to:**  
3           extended court 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 terminates the order sooner as provided in s. 48.364 (4).

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

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.

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

10 **48.364 Extending court jurisdiction for foster youth. (1)** In this section, “foster  
11 youth” means a person who meets all of the following qualifications:

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

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

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

1 receipt of a request for extended court jurisdiction for foster youth, the agency shall determine  
2 whether the foster youth may be eligible for extended court jurisdiction under sub. (3). If the  
3 agency determines that the foster youth may be eligible for extended court jurisdiction under  
4 sub. (3), the agency shall petition the court to extend jurisdiction for the child or foster youth.

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

7 (a) Is completing secondary education or a program leading to an equivalent credential.

8 (b) Is enrolled in an institution that provides post-secondary or vocational education.

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

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

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

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

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

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

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

23 1. The foster youth's needs and goals for a successful transition to independent living,  
24 including needs and goals relating to housing, physical and mental health, education,

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

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

7 3. 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 involved the foster  
9 youth in the development of the case plan and in the provision of appropriate services.

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

**NOTE:** Creates extended court jurisdiction for foster youth. The draft 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 court order.

Under the draft, a foster youth may submit a request to the agency for extended court jurisdiction. 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 court may extend jurisdiction if the court finds that one of several conditions are met, such as that the youth is completing secondary education, enrolled in a post-secondary institution, or employed for at least 80 hours per month. The order for extended court jurisdiction terminates when the foster youth reaches 21 years of age or when the court finds that specified conditions are met.

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

13 **48.619 Definition.** In this subchapter, "child" means a person under 18 years of age  
14 and also includes, for or a foster youth, as defined in s. 48.364 (1), under extended court  
15 jurisdiction for foster youth under s. 48.364 or 938.366 who resides in that foster home,  
16 treatment foster home, or group home. For purposes of counting the number of children for

1 whom a foster home, treatment foster home, or group home may provide care and  
2 maintenance, “child” also means a person 18 years of age or over, but under 19 years of age,  
3 who is a full-time student at a secondary school or its vocational or technical equivalent, who  
4 is reasonably expected to complete the program before reaching 19 years of age, who was  
5 residing in the foster home, treatment foster home, or group home immediately prior to his or  
6 her 18th birthday, and who continues to reside in that foster home, treatment foster home, or  
7 group home.

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

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

9 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under this  
10 section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places  
11 or continues the placement of the juvenile in his or her home shall terminate at the end of one  
12 year after the date on which the order is granted unless the court specifies a shorter period of  
13 time or the court terminates the order sooner. Except as provided in ~~par. (b)~~ pars. (b) and (bm)  
14 or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile  
15 attains 18 years of age that places or continues the placement of the juvenile in a foster home,  
16 treatment foster home, group home, or residential care center for children and youth or in the  
17 home of a relative other than a parent shall terminate when the juvenile attains 18 years of age,  
18 at the end of one year after the date on which the order is granted, or, if the juvenile is a  
19 full-time student at a secondary school or its vocational or technical equivalent and is  
20 reasonably expected to complete the program before attaining 19 years of age, when the  
21 juvenile attains 19 years of age, whichever is later, unless the court specifies a shorter period  
22 of time or the court terminates the order sooner.

1           **SECTION 5.** 938.355 (4) (bm) of the statutes is created to read:

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

5           **SECTION 6.** 938.366 of the statutes is created to read:

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

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

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

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

1           **(3)** The court may extend court jurisdiction for the child or foster youth if he or she  
2 meets one of the following conditions:

3           (a) Is completing secondary education or a program leading to an equivalent credential.

4           (b) Is enrolled in an institution that provides post-secondary or vocational education.

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

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

8           (e) Is incapable of meeting any of the conditions in pars. (a) to (d) due to a medical  
9 condition and the incapability is supported by regularly updated information in the foster  
10 youth's case plan.

11           **(4)** The agency primarily responsible for providing services to the foster youth shall  
12 notify the court if the agency has reason to believe that the foster youth no longer meets any  
13 of the conditions under sub. (3).

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

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

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

19           1. The foster youth's needs and goals for a successful transition to independent living,  
20 including needs and goals relating to housing, physical and mental health, education,  
21 employment, community connections, and supportive relationships, have been addressed by  
22 the county, the department, in a county having a population of 500,000 or more, or the agency  
23 primarily responsible for providing services under the order.

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

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

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

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

**SECTION 7. Effective date.** This act takes effect on October 1, 2010.

**NOTE:** Provides that the legislation takes effect on October 1, 2010.

**(END)**