

## Permanency Plans and Post-Dispositional Practice

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## POST-DISPOSITIONAL PRACTICE

Extensions,  
Revisions,  
Change in Placements,  
Trial Reunifications, and  
Case Closure Orders

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## Importance of Post-Disposition Hearings

- Provide opportunity to examine case progress
- Provide opportunity for correction and revision of the case plan
- Keep cases moving toward timely and successful permanency
  - **Helps a case progress by requiring the parties to set timetables, take specific action, and make decisions**

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# EXTENSION HEARING

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## Extension

- Purpose:
  - Give parents more time to complete conditions for supervision or safe return of the child
  - Enable agency to provide necessary services
  - Provide supervision and support for the family after the child returns home

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## Extension Requirements

- Must be made before dispositional order expires
- No order can be extended without a hearing

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## Extension Prohibitions

- Child's placement cannot be changed through an extension § 48.357

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## Temporary Extension

- Court may grant for up to 30 days § 48.365(6)
- Specified periods of delay excluded § 48.315(1)
- Order granting temp. extension (JD-1765)
- Court may grant appropriate relief if hearing not timely § 48.315(3)
- Failure to object waives challenge

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## Extension Hearings Court Report

- Agency required to file
- Is dispositional order meeting objectives?
- Contents of report different for in-home and out-of-home placements § 48.365(2g)

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### Extension Hearings

- Rules of evidence are not binding § 48.299(4)(b)
- Greater weight of the credible evidence
- Child's appearance may be waived
- Foster parent or physical custodian has right to provide written or oral statement

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### Out-of-Home Placement Findings

- Reason for the extension
- Reasonable efforts to achieve the permanency goal
- Reasonable efforts to place siblings together or provide frequent interaction
- WICWA Cases: active efforts to prevent the breakup of family

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### Extension Order Expiration Dates - § 48.365(5)

- In-home placement, up to one year
- Out-of-home placement, up to 18th/19th/21st birthday
  - Eliminates need for future hearings
  - Perm plan reviews continue
  - Order can terminate earlier

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# REVISION HEARING

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## Revision Hearing

### Purpose:

- Modify conditions of a dispositional order
- Restrict or increase family interaction
- Change child support
- Transfer legal custody

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## Revision Prohibitions

- A revision cannot extend expiration date of dispositional order § 48.365
- Child's placement cannot be changed through a revision § 48.357

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### Revision Request Hearing Waiver

- Hold hearing unless all parties sign waivers of objection
- Court must agree with the revision
- Reference specific revision in waiver
- Written waivers filed with the court
- Use Stipulation and Order to Revise Dispositional Order (JD-1783)

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### Revision Hearing Timing of Notice

- Notice provided 3 days prior to the hearing
- May proceed immediately with the hearing if all parties consent
- Attach the request for revision to the notice

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### Revision Hearing

- Any party may present evidence relevant to the revision
- Rules of evidence are not binding
- Foster parent or physical custodian has right to be heard

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## Revision Hearing

- If visitation denied or child outside of the home, advise parents:
  - Applicable TPR grounds
  - Conditions for return or visitation
  - Timeframe for filing TPR

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## Revision of Consent Decrees

- Consent Decrees may be revised and amended using the same procedures as the original decree
- The revision may include a change of placement for the child
- Does not change length of 6 months or the one extension of 6 months
  - Wis. Stat. 48.32(2)

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## CHANGE IN PLACEMENT PROCEDURES

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### Notice of Change in Placement Requirements

- Only allowed for out-of-home to out-of-home, out-of-home to in-home, and in-home to in-home
- Any person receiving notice may file an objection with court within 10 days after **notice was sent and filed with the court**

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### Notice of Change in Placement Timing

- Placements may not be changed until 10 days after notice is sent to the court unless
  - All parties sign written waivers of objection
  - Change authorized in dispositional order
- If emergency change of placement, notice shall be sent within 48 hours

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### Change in Placement Hearing

- Not less than 3 days notice to the child, parent, guardian, legal custodian, CASA, Indian custodian, tribe, and all parties bound by dispositional order
- If consent, court may proceed immediately with the hearing

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### In-Home to Out-of-Home Change in Placement

- Hearing required for in-home to out-of-home change of placement
- The parent, if present at hearing, shall be requested to provide the names and other identifying information of 3 relatives of the child or other adults
- Determine new expiration date

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### In-Home to Out-of-Home Change in Placement Order

- Court shall make following findings:
  - Contrary to the welfare
  - Reasonable efforts to prevent removal
  - Reasonable efforts to place siblings together
- Court shall order:
  - Notice to relatives and other identified adults
  - Frequent sibling contact if not placed together
- TPR warnings and conditions for return

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### Out-of-Home to Out-of-Home Change in Placement Order

- Court shall make a finding as to whether reasonable efforts have been made to place child in a placement that enables the sibling group remain together
- Expiration date remains unchanged
- TPR warnings and conditions for return

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### Out-of-Home to In-Home Change in Placement Order

- New expiration date cannot be more than one year after the date of the change of placement order

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### Trial Reunification

- Can only be requested by the Agency
- Allows the child to be placed in the home of the Parent for up to 90 days.
- It can be extended for an additional 90 days.
- Still considered as an out-of-home placement

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### Case Closure Orders

- Allows the Juvenile Court to close a CHIPS case by entering an enforceable family court order (in same or different county)
- Must have a pending divorce/paternity case or already have a family court order deciding placement/custody/paternity
- Any party including the Court may move to enter an order, must give 5 days notice

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## Case Closure Orders

- Can determine paternity using same procedures
- Can determine custody and placement
  - No need for mediation, parenting plans or studies
  - No transfer of custody to 3<sup>rd</sup> party or agency
  - Same factors as Family Court
- Can determine child support, health care and variable expenses

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## Case Closure Orders

- Closure order must be provided to all parties and filed in the family court (including other counties).
- Enforceable in the family court through contempt.
- Subsequent modifications to be handled in family court. The standard revision provisions apply to the closure order.

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