

JUVENILE COURT
POLICY/PROCEDURE

EXTENSION OF OUT-OF-HOME CARE

POLICY

Certain youth may be eligible for an extension of out-of-home care under s. 48.366 or 938.366 Wis. Stats. To meet the initial eligibility the youth must be:

- Expected to be in out-of-home care on their 18th birthday;
- A full-time student at a secondary school or its technical or vocational equivalent; and
- An individualized education program under WI Stat. s. 115.787 is in effect for the youth.

If the caseworker determines that the youth is eligible and interested in a court-ordered extension and there is no voluntary agreement for the continuation of out-of-home care, the Social Worker will submit a request for a court-ordered extension. If the youth wishes to be discharged from care upon termination of the court order, a Transition-to-Discharge hearing would need to occur.

PROCEDURE

Youth Would Like to Discharge from Out-of-Home Care

If the youth indicates that he or she wishes to be discharged from out-of-home care on termination of the order, the agency shall request a Transition-to-Discharge hearing as soon as possible but no later than 30 days before the youth is expected to exit care.

Transition to Discharge Hearing

Within 30 days after receipt of the request, the court will hold the Transition-to-Discharge hearing. Not less than 3 days before the hearing, the court shall provide notice of the hearing to the youth, the parent, guardian, and legal custodian of that person, any foster parent or other physical custodian described in s. 48.62 (2) or 938.62 (2) of that person, that person's court-appointed special advocate, all parties who are bound by the dispositional order, and, if that person is an Indian child who has been removed from the home of his or her parent or Indian custodian, that person's Indian custodian and tribe.

At the hearing the court will review with the youth the options available through extending care.

- If the court determines that the person wishes to continue in out-of-home care under an extension of an order the court shall schedule an extension hearing under

s. 48.365 or 938.365 Wis. Stats.,. If the court determines that the person wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the court shall order the agency primarily responsible for providing placement and services to the youth under the order to enter into a voluntary independent living transition agreement.

- If the court determines that the youth understands that he or she may continue in out-of-home care, but wishes to be discharged from that care on termination of the order, the court shall advise the youth that he or she may enter into a voluntary agreement at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full-time student at a secondary school or its vocational or technical equivalent and an individualized education program is in effect for him or her.

The caseworker shall continue with Independent Living Transition to Discharge planning and must provide the youth contact information and a written process for returning to care under a voluntary transition to independent living agreement under DCF Ch. 21 Re-entry into Out-of-Home Care for Youth 18 to 21 Admin. Code.