

## FORM SUMMARY

---

**Name of Form:** Permanency Hearing Order - Indian Child Welfare Act

**Form Number:** IW-1791

---

**Statutory Reference:** §§48.38 and 938.38, Wisconsin Statutes

**Benchbook Reference:** JV

**Purpose of Form:** To approve, disapprove, or revise the permanency plan.

**Who Completes It:** The court, district attorney or corporation counsel.

**Who Signs It:** **BY THE COURT:** Circuit Court Judge/Circuit Court Commissioner. **THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.**

**Distribution of Form:** Original to court file, copies to child/juvenile and attorney/guardian ad litem, parents/guardian, legal and/or physical custodian/Indian custodian/ attorney, social worker, tribe, district attorney or corporation counsel.

**Accompanying Forms:** Generally none.

**New Form/Modification:** Modified; last update 09/15.

**Modifications:** Removed sustaining care from the permanency goals, changed the permanency goal of some other planned permanent living arrangement to reflect the minimum age requirement of 16 years, added additional appropriateness finding where permanency goal is some other planned permanent living arrangement, added a finding for reasonable and prudent parent standard where permanency goal is some other planned permanent living arrangement, changed "transition to independence" to "transition to successful adulthood." See 2015 Wisconsin Act 128.

**Comments:** This form is to be used in both ch. 48 and ch. 938 matters. This form was created to comply with 2001 Wisconsin Act 109 and Adoption and Safe Families Act. Permanency plans must be reviewed at a court hearing no later than 12 months after the child's/juvenile's removal from the home, and within 12 months from the date of the last permanency plan hearing. The court must make specific findings regarding the appropriateness of the plan and whether the department made reasonable efforts to achieve the goal(s) of the permanency plan. These findings cannot be based on a paper review.

This hearing is now required to involve the court in overseeing permanency decisions in cases where a child/juvenile is placed

outside of the home. The permanency plan hearing should not be used to change placement or revise dispositional orders unless request for a change of placement or revision was also filed.

RMC recommends that the court not rely upon attachments alone as the basis for its findings. Where attachments are used, specific reference to the document title, page and paragraph should be made.

**About this Form:**

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**