



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBs0251/1
SWB&EHS:skw/cdc/emw

**ASSEMBLY SUBSTITUTE AMENDMENT 5,
TO ASSEMBLY BILL 975**

January 25, 2024 - Offered by Representative WICHGERS.

1 **AN ACT** *to amend* 48.975 (3) (c); and *to create* 20.437 (1) (be) and 49.170 of the
2 statutes; **relating to:** a grant program for financial assistance for adoption,
3 requiring a referendum, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Children and Families to administer a competitive grant program under which it awards a grant to one organization in each fiscal biennium for the purpose of providing financial assistance to prospective adoptive families. The bill appropriates \$5,000,000 in the 2023-25 fiscal biennium for this grant program.

Under the bill, an organization is eligible for the grant if it operates a financial assistance program for prospective adoptive families. The bill requires DCF to impose conditions on the use of the grant, including that 1) no more than 2.5 percent of it may be used for administrative expenses and 2) awards from the grant are limited to \$10,000 per family and may only be awarded to or on behalf of families in this state who are adopting children from this state or children who are not from this state but over whom a tribal court in this state has jurisdiction. The bill provides that awards may not be used for certain expenses that are otherwise paid or reimbursed under the statutes. Under the bill, DCF must also require that the grant recipient place conditions on the financial assistance, including that only families that have reached a certain stage in the adoption process are eligible and that the grant

recipient may reclaim financial assistance it has awarded if the financial assistance is used improperly or not used by a certain deadline. Under the bill, DCF must determine the stage in the adoption process that families must have reached in order to be eligible for financial assistance.

Under the bill, DCF must require the grant recipient to submit to DCF a report describing how the grant was used, which DCF must then submit to the appropriate standing committees of the legislature.

The bill requires a referendum before giving effect to the provisions created in the bill. Under the bill, at the April 2024 election, the electors would vote on the question of whether the statutory provisions treated in the bill shall take effect “thus requiring [DCF] to administer a competitive grant program offering financial assistance to prospective adoptive families and appropriating \$5,000,000 in the 2023-25 fiscal biennium for the program.” If a majority of votes cast in the election approves the question, the related provisions in the bill take effect on the day after the election results are certified. If the question is not approved by a majority of votes cast, the provisions do not take effect.

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

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

	2023-24	2024-25
20.437 Children and families, department of		
(1) CHILDREN AND FAMILY SERVICES		
(be) Financial assistance for adoption		
grant program	GPR B	5,000,000 -0-

7 **SECTION 2.** 20.437 (1) (be) of the statutes is created to read:
8 20.437 (1) (be) *Financial assistance for adoption grant program.* Biennially,
9 the amounts in the schedule for the grant program under s. 49.170.

10 **SECTION 3.** 48.975 (3) (c) of the statutes is amended to read:
11 48.975 (3) (c) *Nonrecurring adoption expenses.* Subject to any maximum
12 amount provided by the department by rule promulgated under sub. (5), the adoption

1 assistance for nonrecurring adoption expenses shall be sufficient to pay the
2 reasonable and necessary adoption fees, court costs, legal fees, and other expenses
3 that are directly related to the adoption of the child and that are not incurred in
4 violation of any state or federal law. Adoption assistance under this paragraph may
5 not be provided for adoption expenses that are paid for or reimbursed under s. 49.170.

6 **SECTION 4.** 49.170 of the statutes is created to read:

7 **49.170 Financial assistance for adoption grant program.** (1) The
8 department shall administer a competitive grant program as provided under this
9 section. Under the program, the department shall award a grant to an organization
10 for the purpose of providing financial assistance to prospective adoptive families to
11 help with adoption expenses.

12 (2) The department shall solicit and review applications for the grant program
13 under this section and shall award a grant in an amount of no more than \$5,000,000
14 to one organization in each fiscal biennium. An organization is eligible for the grant
15 if it operates a financial assistance program for prospective adoptive families.

16 (3) The department shall impose all of the following conditions on use of a grant
17 awarded under this section:

18 (a) No more than 2.5 percent of the grant may be used for administrative
19 expenses.

20 (b) Financial assistance awarded from the grant may only be awarded to or on
21 behalf of families in this state who are adopting children from this state or children
22 who are not from this state but over whom a tribal court in this state has jurisdiction.

23 (c) Awards of financial assistance from the grant are limited to \$10,000 per
24 adoptive family and may not be used for expenses that are paid or reimbursed under
25 s. 48.975 (3) (c).

1 (d) The grant recipient shall impose conditions on the financial assistance it
2 awards from the grant, including that only families that have reached a certain stage
3 in the adoption process are eligible and that the grant recipient may reclaim
4 financial assistance it has awarded if the financial assistance is used improperly or
5 if it is not used by a certain deadline. The department shall determine the stage in
6 the adoption process that families shall have reached to be eligible for financial
7 assistance.

8 (4) The department shall require the grant recipient, upon expenditure of the
9 grant, to submit a report to the department describing how the grant was used. The
10 department shall submit this report to the appropriate standing committees of the
11 legislature under s. 13.172 (3).

12 **SECTION 5. Nonstatutory provisions.**

13 (1) There shall be submitted to the vote of the electors at the April 2024 election
14 the following question: "Shall the statutory provisions treated in 2023 Wisconsin Act
15 (this act) take effect, thus requiring the department of children and families to
16 administer a competitive grant program offering financial assistance to prospective
17 adoptive families and appropriating \$5,000,000 in the 2023-25 fiscal biennium for
18 the program?"

19 (2) The requirement under s. 8.37 that the referendum question shall be filed
20 with the official or agency preparing the ballot for the election no later than 70 days
21 before the election shall not apply to the referendum question that is to be submitted
22 to the voters under sub. (1).

23 (3) If the question under sub. (1) is approved by a majority of all votes cast on
24 the question at the April 2024 election, the treatment of ss. 20.005 (3) (schedule),

1 20.437 (1) (be), 48.975 (3) (c), and 49.170 by this act shall take effect. Otherwise, the
2 treatment of those statutory provisions by this act shall not take effect.

3 **SECTION 6. Effective dates.** This act takes effect on the day after the election
4 results regarding the question under SECTION 5 (1) of this act are certified as provided
5 under s. 7.70 if the condition set forth in SECTION 5 (3) of this act is satisfied, except
6 as follows:

7 (1) SECTION 5 of this act takes effect on the day after publication.

8 (END)