

1999 Senate Bill 504

Date of enactment: **April 25, 2000**

Date of publication*: **May 8, 2000**

1999 WISCONSIN ACT 103

AN ACT *to repeal* 46.036 (5m) (b) 3., 46.70 (3) and 46.717; *to renumber* 48.357 (5m) and 938.357 (5m); *to renumber and amend* 48.30 (6), 48.31 (7), 48.363 (1), 938.30 (6), 938.31 (7) and 938.363 (1); *to consolidate, renumber and amend* 46.70 (1) and (2); *to amend* 20.435 (3) (o), 20.435 (7) (o), 46.036 (5m) (b) 1., 46.036 (5m) (b) 2., 46.10 (1), 46.10 (14) (e) 1., 48.363 (1m), 48.363 (2), 48.57 (3m) (am) 5., 48.57 (3n) (am) 5., 49.45 (3) (e) 4., 50.035 (3) (a), 50.04 (6) (c), 50.04 (6) (d), 50.04 (6) (e), 50.053, 252.17 (3) (b), 252.17 (4) (a), 301.12 (1), 301.12 (14) (e) 1., 767.02 (1) (m), 767.30 (1), 767.305, 767.32 (1) (a), 767.32 (2r), 780.01 (5), 938.363 (1m) and 938.363 (2); and *to create* 48.30 (6) (c), 48.31 (7) (c), 48.355 (2) (b) 4m., 48.357 (5m) (b), 48.363 (1) (d), 48.75 (1g) (a) 5., 50.02 (2) (ag), 252.17 (4) (d), 252.17 (6) (c), 938.30 (6) (c), 938.31 (7) (c), 938.355 (2) (b) 4m., 938.357 (5m) (b) and 938.363 (1) (d) of the statutes; **relating to:** increasing the family income that an individual may have to be eligible for the medical leave premium subsidy program; changing the term “informal conference” to “case conference” for resolution of appeals of alleged violations by certain facilities; additional medical assistance payments to a hospital that qualifies as a disproportionate share hospital; the amounts of revenues in excess of allowable costs that may be retained by nonprofit providers of rate-based services under contracts with the department of health and family services or with certain county departments; requiring the presence of a manager or his or her agent at certain times in specifically classified community-based residential facilities; funding for fiscal year 1993–94 for pilot alcohol and other drug abuse treatment program for hearing-impaired individuals; funding for social services and mental hygiene services for American Indians; the provision of financial information by a parent of a child who is placed in substitute care; the licensing of foster homes; the conditions that must be met for a person to receive kinship care or long-term kinship care payments; and granting rule-making authority (suggested as remedial legislation by the department of health and family services).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

This bill makes a number of minor substantive and remedial changes in statutes within the purview of the department of health and family services (DHFS). It includes:

1. Changing the eligibility level of family income for the medical leave premium subsidy program from 200% to 300% of the federal poverty line and permitting the DHFS by rule, to establish a schedule of the amount of the premium subsidy if the individual's family income exceeds 200% of the federal poverty line.

2. Changing references to the term “informal conference” to “case conference” for appeals of alleged violations

* Section 991.11, WISCONSIN STATUTES 1997–98: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

by nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes.

3. Providing for increased Medical Assistance reimbursement for hospitals that are paid retrospectively under the Medical Assistance program and that qualify under federal requirements as "disproportionate share" hospitals which serve a high proportion of Medical Assistance recipients or low-income persons.

4. Changing the basis for calculating limits on the amounts of revenues that may be retained by nonprofit providers of rate-based services under contract with the DHFS and county agencies.

5. Eliminating references to Class B community-based residential facilities in provisions that require the manager or his or her agent to be present in the facility and requires that DHFS define "Class A" and "Class C" community-based residential facilities by rule.

6. Repealing a provision relating to the distribution of alcohol and drug abuse treatment program funds in fiscal year 1993-94.

7. Eliminating references to funding for social services and mental hygiene services for American Indian tribes that were applicable only for fiscal years 1991-92 and 1993-94, eliminating procedural requirements relating to the funding and eliminating cross-references between provisions relating to that program and appropriation provisions relating to federal grants.

8. Providing that where a juvenile court has ordered the parent of a child or juvenile to provide a statement of income, assets, debts and living expenses to the court or orders a parent to provide such a statement to an agency that will provide a dispositional report to a juvenile court or that is responsible for implementing the dispositional order, the court must order the parent to provide such a statement to a county department of social services or the DHFS. The DHFS or agency must use the information in the statement to determine whether the DHFS or the department of corrections may claim reimbursement under certain programs for the costs of providing care to the child.

9. Permitting a public licensing agency to license a foster home located in another county upon the request of another licensing agency of the county in which the prospective foster home is located.

10. Changing kinship care laws to require the kinship care relative or long-term kinship care relative to cooperate with the county agency or DHFS, including applying for other forms of assistance for which a child in kinship care may be eligible.

SECTION 1. 20.435 (3) (o) of the statutes is amended to read:

20.435 (3) (o) *Community aids; prevention activities.* All federal moneys received under 42 USC 300x-21 to 300x-35 in amounts pursuant to allocation plans developed by the department of health and family services for the provision or purchase of services authorized under sub. (7) (b) and s. 46.70 for distribution under s. 46.40 (2m) (a) for prevention related activities.

SECTION 2. 20.435 (7) (o) of the statutes is amended to read:

20.435 (7) (o) *Federal aid; community aids.* All federal moneys received in amounts pursuant to allocation plans developed by the department for the provision or purchase of services authorized under par. (b) and s. 46.70; all federal moneys received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985; all

moneys transferred under 1997 Wisconsin Act 237, section 9222 (3), from the appropriation account under par. (md); and all unanticipated federal social services block grant funds received under 42 USC 1397 to 1397e, in accordance with s. 46.49 (2), for distribution under s. 46.40. Disbursements from this appropriation may be made directly to counties for social and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal requirements for the disbursal of federal funds.

SECTION 3. 46.036 (5m) (b) 1. of the statutes is amended to read:

46.036 (5m) (b) 1. Subject to ~~subds. 2. and 3.~~ subd. 2., if revenue under a contract for the provision of a rate-based service exceeds allowable costs incurred in the contract period, the provider may retain from the surplus generated by that rate-based service up to 5% of the revenue received under the contract amount. A provider that retains a surplus under this subdivision shall use that retained surplus to cover a deficit between revenue and allowable costs incurred in any preceding or future contract period for the same rate-based service that generated the surplus or to address the programmatic needs of clients served by the same rate-based service that generated the surplus.

SECTION 4. 46.036 (5m) (b) 2. of the statutes is amended to read:

46.036 (5m) (b) 2. ~~Subject to subd. 3., a~~ A provider may accumulate funds from more than one contract period under this paragraph, except that, if at the end of a contract period the amount accumulated from all contract periods for a rate-based service exceeds 10% of the ~~amount of~~ revenue received under all current contracts for that rate-based service, the provider shall, at the request of a purchaser, return to that purchaser the purchaser's proportional share of that excess and use any of that excess that is not returned to a purchaser to reduce the provider's unit rate per client for that rate-based service in the next contract period. If a provider has held for 4 consecutive contract periods an accumulated reserve for a rate-based service that is equal to or exceeds 10% of the ~~amount of~~ revenue received under all current contracts for that rate-based service, the provider shall apply 50% of that accumulated amount to reducing its unit rate per client for that rate-based service in the next contract period.

SECTION 5. 46.036 (5m) (b) 3. of the statutes is repealed.

SECTION 6. 46.10 (1) of the statutes is amended to read:

46.10 (1) Liability and the collection and enforcement of such liability for the care, maintenance, services and supplies specified in this section is governed exclusively by this section, except in cases of child support

ordered by a court under s. 48.355 (2) (b) 4., 48.357 (5m) (a) or 48.363 (2) or ch. 767.

SECTION 7. 46.10 (14) (e) 1. of the statutes is amended to read:

46.10 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a) or 48.363 (2) for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108 and other money due or to be due in the future to the county department under s. 46.22 or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

SECTION 8. 46.70 (1) and (2) of the statutes, as affected by 1999 Wisconsin Act 9, are consolidated, renumbered 46.70 and amended to read:

46.70 Delivery of services to American Indians. To facilitate the delivery of accessible, available and culturally appropriate social services and mental hygiene services to American Indians by county departments under s. 46.215, 46.22, 51.42 or 51.437, the department may fund federally recognized tribal governing bodies. ~~(2) From the appropriations in this state from the appropriation under s. 20.435 (7) (kL) and (o), the department may make available to any of the 11 federally recognized tribal governing bodies in this state funds for the purposes stated in sub. (1). Beginning July 1, 1991, and ending September 30, 1991, the department may award to each tribal governing body up to \$6,800. Beginning October 1, 1991, and ending September 30, 1992, the department may award to each tribal governing body up to \$27,200. Beginning October 1, 1992, and ending June 30, 1993, the department may award to each tribal governing body up to \$20,400. Receipt of funds is contingent upon department approval of an application submitted by a tribal governing body. The department may partially approve any application and provide only part of the funds requested. Each application shall contain a plan for expenditure of funds, consistent with the purposes stated in sub. (1).~~

SECTION 9. 46.70 (3) of the statutes is repealed.

SECTION 10. 46.717 of the statutes is repealed.

SECTION 11. 48.30 (6) of the statutes is renumbered 48.30 (6) (a) and amended to read:

48.30 (6) (a) If a petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days after the plea hearing for a child who is held in secure custody and no more than 30 days after the plea hearing for a child or an expectant mother who is not held in secure custody. If all parties consent the court may proceed immediately with the dispositional hearing.

(b) If it appears to the court that disposition of the case may include placement of the child outside the

child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). ~~If all parties consent the court may proceed immediately with the dispositional hearing.~~

SECTION 12. 48.30 (6) (c) of the statutes is created to read:

48.30 (6) (c) If the court orders the child's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the child's parent to provide that statement to the designated agency under s. 48.33 (1) and that designated agency is not the county department or, in a county having a population of 500,000 or more, the department, the court shall also order the child's parent to provide that statement to the county department or, in a county having a population of 500,000 or more, the department at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The county department or, in a county having a population of 500,000 or more, the department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of 500,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the child.

SECTION 13. 48.31 (7) of the statutes is renumbered 48.31 (7) (a) and amended to read:

48.31 (7) (a) At the close of the fact-finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days after the fact-finding hearing for a child in secure custody and no more than 30 days after the fact-finding hearing for a child or expectant mother who is not held in secure custody. If all parties consent, the court may immediately proceed with a dispositional hearing.

(b) If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the

dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). ~~If all parties consent, the court may immediately proceed with a dispositional hearing.~~

SECTION 14. 48.31 (7) (c) of the statutes is created to read:

48.31 (7) (c) If the court orders the child's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the child's parent to provide that statement to the designated agency under s. 48.33 (1) and that designated agency is not the county department or, in a county having a population of 500,000 or more, the department, the court shall also order the child's parent to provide that statement to the county department or, in a county having a population of 500,000 or more, the department at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The county department or, in a county having a population of 500,000 or more, the department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of 500,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the child.

SECTION 15. 48.355 (2) (b) 4m. of the statutes is created to read:

48.355 (2) (b) 4m. If the child is placed outside the home and if the child's parent has not already provided a statement of income, assets, debts and living expenses to the county department or, in a county having a population of 500,000 or more, the department under s. 48.30 (6) (b) or (c) or 48.31 (7) (b) or (c), an order for the parent to provide that statement to the county department or, in a county having a population of 500,000 or more, department by a date specified by the court. The county department or, in a county having a population of 500,000 or more, the department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of 500,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the child.

SECTION 16. 48.357 (5m) of the statutes is renumbered 48.357 (5m) (a).

SECTION 17. 48.357 (5m) (b) of the statutes is created to read:

48.357 (5m) (b) If the court orders the child's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the child's parent to provide that statement to the person or agency primarily responsible for implementing the dispositional order and that person or agency is not the county department or, in a county having a population of 500,000 or more, the department, the court shall also order the child's parent to provide that statement to the county department or, in a county having a population of 500,000 or more, the department by a date specified by the court. The county department or, in a county having a population of 500,000 or more, the department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of 500,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the child.

SECTION 18. 48.363 (1) of the statutes is renumbered 48.363 (1) (a) and amended to read:

48.363 (1) (a) A child, the child's parent, guardian or legal custodian, an expectant mother, an unborn child by the unborn child's guardian ad litem, any person or agency bound by a dispositional order or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement, including a revision with respect to the amount of child support to be paid by a parent, or the court may on its own motion propose such a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter prior to any revision of the dispositional order if the request or court proposal indicates that new information is available which affects the advisability of the court's dispositional order ~~and prior to any revision of the dispositional order~~, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves.

(b) If a hearing is held, the court shall notify the child, the child's parent, guardian and legal custodian, all parties bound by the dispositional order, the child's foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), the district attorney or corporation counsel in the county in which the dispositional

order was entered, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem; or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all parties bound by the dispositional order and the district attorney or corporation counsel in the county in which the dispositional order was entered, at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

(c) If the proposed revision is for a change in the amount of child support to be paid by a parent, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court and the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

SECTION 19. 48.363 (1) (d) of the statutes is created to read:

48.363 (1) (d) If the court orders the child's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the child's parent to provide that statement to the person or agency primarily responsible for implementing the dispositional order and that person or agency is not the county department or, in a county having a population of 500,000 or more, the department, the court shall also order the child's parent to provide that statement to the county department or, in a county having a population of 500,000 or more, the department by a date specified by the court. The county department or, in a county having a population of 500,000 or more, the department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of 500,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the child.

SECTION 20. 48.363 (1m) of the statutes is amended to read:

48.363 (1m) If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. Any written or oral statement made under this subsection shall be made under oath or affirmation. A foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 21. 48.363 (2) of the statutes is amended to read:

48.363 (2) If the court revises a dispositional order ~~under sub. (1)~~ with respect to the amount of child support to be paid by a parent for the care and maintenance of the parent's minor child who has been placed by a court order under this chapter in a residential, nonmedical facility, the court shall determine the liability of the parent in the manner provided in s. 46.10 (14).

SECTION 22. 48.57 (3m) (am) 5. of the statutes is amended to read:

48.57 (3m) (am) 5. The kinship care relative cooperates with the county department or department in the application process, including applying for other forms of assistance for which the kinship care relative child may be eligible.

SECTION 23. 48.57 (3n) (am) 5. of the statutes is amended to read:

48.57 (3n) (am) 5. The long-term kinship care relative cooperates with the county department or department in the application process, including applying for other forms of assistance for which the long-term kinship care relative child may be eligible.

SECTION 24. 48.75 (1g) (a) 5. of the statutes is created to read:

48.75 (1g) (a) 5. The public licensing agency of the county in which the prospective foster home is located requests the public licensing agency of another county to license the foster home.

SECTION 25. 49.45 (3) (e) 4. of the statutes is amended to read:

49.45 (3) (e) 4. If the department maintains a retrospective reimbursement system under subd. 1. for specific provided services or commodities, total reimbursement for allowable services, care or commodities provided recipients during the hospital's fiscal year may not exceed the lower of the hospital's charges for the ser-

vices or the actual and reasonable allowable costs to the hospital of providing the services, plus any disproportionate share funding that the hospital is qualified to receive under 42 USC 1396r-4.

SECTION 26. 50.02 (2) (ag) of the statutes is created to read:

50.02 (2) (ag) The department shall, by rule, define “Class A” and “Class C” community-based residential facilities for the purposes of s. 50.035 (3).

SECTION 27. 50.035 (3) (a) of the statutes is amended to read:

50.035 (3) (a) The person responsible for managing a Class C community-based residential facility, or that person’s agent, shall be present in the facility at any time that residents are in the facility. The person responsible for managing a Class A ~~or a Class B~~ community-based residential facility, or that person’s agent, shall be present in the facility from 7 p.m. to 7 a.m. when residents are in the facility ~~and the person responsible for managing a Class B community-based residential facility, or that person’s agent, shall be readily available to the residents of the facility from 7 a.m. to 7 p.m.~~ In this subsection, “Class A, B and C community-based residential facilities” have the meanings provided in s. HSS 3.41 (1), Wis. adm. code.

SECTION 28. 50.04 (6) (c) of the statutes is amended to read:

50.04 (6) (c) *Notice.* Written notice of the decision to issue a conditional license shall be sent to the facility together with the proposed plan of correction. The notice shall inform the facility of its right to an informal a case conference prior to issuance of the conditional license under par. (d) and of its right to a full hearing under par. (e).

SECTION 29. 50.04 (6) (d) of the statutes is amended to read:

50.04 (6) (d) *Informal Case conference.* If the facility desires to have an informal a case conference it shall, within 4 working days of receipt of the notice under par. (c), send a written request for an informal a case conference to the department. The department shall, within 4 working days from the receipt of the request, hold an informal a case conference in the county in which the facility is located. Following this conference the department may affirm or overrule its previous decision, or modify the terms of the conditional license and plan of correction. The conditional license may be issued after the informal case conference, or after the time for requesting an informal a case conference has expired, prior to any further hearing.

SECTION 30. 50.04 (6) (e) of the statutes is amended to read:

50.04 (6) (e) *Hearing.* If after the informal case conference the licensee desires to contest the basis for issuance of a conditional license, or the terms of the license or plan of correction, the licensee shall send a

written request for hearing to the department within 4 working days after issuance of the conditional license. The department shall hold the hearing within 30 days of receipt of such notice and shall immediately notify the licensee of the date and location of the hearing.

SECTION 31. 50.053 of the statutes is amended to read:

50.053 Informal Case conference. The department may hold an informal a case conference with the parties to any contested action under this subchapter to resolve any or all issues prior to formal hearing. Unless any party to the contested case objects, the department may delay the commencement of the formal hearing in order to hold the informal case conference.

SECTION 32. 252.17 (3) (b) of the statutes is amended to read:

252.17 (3) (b) Has a family income, as defined by rule under sub. (6), that does not exceed 200% ~~300%~~ of the federal poverty line, as defined under 42 USC 9902 (2), for a family the size of the individual’s family.

SECTION 33. 252.17 (4) (a) of the statutes is amended to read:

252.17 (4) (a) Except as provided in pars. (b) ~~and~~ (c) and (d), if an individual satisfies sub. (3), the department shall pay the amount of each premium payment for coverage under the group health plan under sub. (3) (d) that is due from the individual on or after the date on which the individual becomes eligible for a subsidy under sub. (3). The department may not refuse to pay the full amount of the individual’s contribution to each premium payment because the coverage that is provided to the individual who satisfies sub. (3) includes coverage of the individual’s spouse and dependents. Except as provided in par. (b), the department shall terminate the payments under this section when the individual’s unpaid medical leave ends, when the individual no longer satisfies sub. (3) or upon the expiration of 29 months after the unpaid medical leave began, whichever occurs first.

SECTION 34. 252.17 (4) (d) of the statutes is created to read:

252.17 (4) (d) For an individual who satisfies sub. (3) and who has a family income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the size of the individual’s family, the department shall pay a portion of the amount of each premium payment for the individual’s coverage under the group health plan under sub. (3) (d). The portion that the department pays shall be determined according to a schedule established by the department by rule under sub. (6) (c). The department shall pay the portion of the premium determined according to the schedule regardless of whether the individual’s coverage under the group health plan under sub. (3) (d) includes coverage of the individual’s spouse and dependents.

SECTION 35. 252.17 (6) (c) of the statutes is created to read:

252.17 (6) (c) Establish a premium contribution schedule for individuals who have a family income, as defined by rule under par. (a), that exceeds 200% but does not exceed 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the size of the individual's family. In establishing the schedule under this paragraph, the department shall take into consideration both income level and family size.

SECTION 36. 301.12 (1) of the statutes is amended to read:

301.12 (1) Liability and the collection and enforcement of such liability for the care, maintenance, services and supplies specified in this section is governed exclusively by this section, except in cases of child support ordered by a court under s. 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2) or ch. 767.

SECTION 37. 301.12 (14) (e) 1. of the statutes is amended to read:

301.12 (14) (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2) for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108 and other money due or to be due in the future to the county department under s. 46.215, 46.22 or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

SECTION 38. 767.02 (1) (m) of the statutes is amended to read:

767.02 (1) (m) To enforce or revise an order for support entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2).

SECTION 39. 767.30 (1) of the statutes is amended to read:

767.30 (1) If the court orders any payment for support under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2), support or maintenance under s. 767.08, child support, family support or maintenance under s. 767.23, child support under s. 767.25, maintenance under s. 767.26, family support under s. 767.261, attorney fees under s. 767.262, child support or a child's health care expenses under s. 767.477, paternity obligations under s. 767.458 (3), 767.51 or 767.62 (4), support arrearages under s. 767.293 or child or spousal support under s. 948.22 (7), the court may provide that any payment be paid in the amounts and at the times that it considers expedient.

SECTION 40. 767.305 of the statutes is amended to read:

767.305 Enforcement; contempt proceedings. In

all cases where a party has incurred a financial obligation under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 767.23, 767.25, 767.255, 767.26, 767.261, 767.262, 767.293, 767.458 (3), 767.477, 767.51, 767.62 (4), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2) and has failed within a reasonable time or as ordered by the court to satisfy such obligation, and where the wage assignment proceeding under s. 767.265 and the account transfer under s. 767.267 are inapplicable, impractical or unfeasible, the court may on its own initiative, and shall on the application of the receiving party, issue an order requiring the payer to show cause at some reasonable time therein specified why he or she should not be punished for such misconduct as provided in ch. 785.

SECTION 41. 767.32 (1) (a) of the statutes is amended to read:

767.32 (1) (a) After a judgment or order providing for child support under this chapter or s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or family support payments under this chapter, or for the appointment of trustees under s. 767.31, the court may, from time to time, on the petition, motion or order to show cause of either of the parties, or upon the petition, motion or order to show cause of the department, a county department under s. 46.215, 46.22 or 46.23 or a county child support agency under s. 59.53 (5) if an assignment has been made under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) or 49.45 (19) or if either party or their minor children receive aid under s. 48.57 (3m) or (3n) or ch. 49, and upon notice to the family court commissioner, revise and alter such judgment or order respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment or order respecting any of the matters that such court might have made in the original action, except that a judgment or order that waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment or order with respect to final division of property be subject to revision or modification. A revision, under this section, of a judgment or order with respect to an amount of child or family support may be made only upon a finding of a substantial change in circumstances. In any action under this section to revise a judgment or order with respect to maintenance payments, a substantial change in the cost of living by either party or as measured by the federal bureau of labor statistics may be sufficient to justify a revision of judgment or order with respect to the amount of maintenance, except that a change in an obligor's cost of living is not in itself

sufficient if payments are expressed as a percentage of income.

SECTION 42. 767.32 (2r) of the statutes is amended to read:

767.32 (2r) If the court revises a judgment or order providing for child support that was entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2), the court shall determine child support in the manner provided in s. 46.10 (14) or 301.12 (14), whichever is applicable.

SECTION 43. 780.01 (5) of the statutes is amended to read:

780.01 (5) For all arrearages owed by the owner in child support ordered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), 938.363 (2) or 948.22 (7) or ch. 767 or 769 or in family support ordered under ch. 767.

SECTION 44. 938.30 (6) of the statutes is renumbered 938.30 (6) (a) and amended to read:

938.30 (6) (a) If a petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days from the plea hearing for a juvenile who is held in secure custody and no more than 30 days from the plea hearing for a juvenile who is not held in secure custody. If all parties consent the court may proceed immediately with the dispositional hearing. If a citation is not contested, the court may proceed immediately to enter a dispositional order.

(b) If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and listing the factors that a court may consider under s. 301.12 (14) (c). ~~If all parties consent the court may proceed immediately with the dispositional hearing. If a citation is not contested, the court may proceed immediately to enter a dispositional order.~~

SECTION 45. 938.30 (6) (c) of the statutes is created to read:

938.30 (6) (c) If the court orders the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the juvenile's parent to provide that statement to the designated agency under s. 938.33 (1) and that designated agency is not the county department, the court shall also order the child's parent to provide that statement to the county department

at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The county department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the juvenile.

SECTION 46. 938.31 (7) of the statutes is renumbered 938.31 (7) (a) and amended to read:

938.31 (7) (a) At the close of the fact-finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days after the fact-finding hearing for a juvenile in secure custody and no more than 30 days after the fact-finding hearing for a juvenile not held in secure custody. If all parties consent, the court may immediately proceed with a dispositional hearing.

(b) If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and listing the factors that a court may consider under s. 301.12 (14) (c). ~~If all parties consent, the court may immediately proceed with a dispositional hearing.~~

SECTION 47. 938.31 (7) (c) of the statutes is created to read:

938.31 (7) (c) If the court orders the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the juvenile's parent to provide that statement to the designated agency under s. 938.33 (1) and that designated agency is not the county department, the court shall also order the child's parent to provide that statement to the county department at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The county department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the juvenile.

SECTION 48. 938.355 (2) (b) 4m. of the statutes is created to read:

938.355 (2) (b) 4m. If the juvenile is placed outside the home and if the juvenile's parent has not already provided a statement of income, assets, debts and living expenses to the county department under s. 938.30 (6) (b) or (c) or 938.31 (7) (b) or (c), an order for the parent to provide that statement to the county department by a date specified by the court. The county department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the juvenile.

SECTION 49. 938.357 (5m) of the statutes is renumbered 938.357 (5m) (a).

SECTION 50. 938.357 (5m) (b) of the statutes is created to read:

938.357 (5m) (b) If the court orders the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the juvenile's parent to provide that statement to the person or agency primarily responsible for implementing the dispositional order and that person or agency is not the county department, the court shall also order the juvenile's parent to provide that statement to the county department by a date specified by the court. The county department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the juvenile.

SECTION 51. 938.363 (1) of the statutes is renumbered 938.363 (1) (a) and amended to read:

938.363 (1) (a) A juvenile, the juvenile's parent, guardian or legal custodian, any person or agency bound by a dispositional order or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement, including a revision with respect to the amount of child support to be paid by a parent, or the court may on its own motion propose such a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter prior to any revision of the dispositional order if the request or court proposal indicates that new information is available ~~which that~~ affects the advisability of the court's dispositional order ~~and prior to any revision of the dispositional order~~, unless written waivers of objections to the revision are signed by

all parties entitled to receive notice and the court approves.

(b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent, guardian and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than 30 days of detention, nonsecure custody or inpatient treatment on a juvenile.

(c) If the proposed revision is for a change in the amount of child support to be paid by a parent, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court and the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). ~~If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than 30 days of detention, nonsecure custody or inpatient treatment on a juvenile.~~

SECTION 52. 938.363 (1) (d) of the statutes is created to read:

938.363 (1) (d) If the court orders the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the juvenile's parent to provide that statement to the person or agency primarily responsible for implementing the dispositional order and that person or agency is not the county department, the court shall also order the juvenile's parent to provide that statement to the county department by a date specified by the court. The county department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the juvenile.

SECTION 53. 938.363 (1m) of the statutes is amended to read:

938.363 (1m) If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. Any written or oral statement made under this subsection shall be made under oath or affirmation. A foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 54. 938.363 (2) of the statutes is amended to read:

938.363 (2) If the court revises a dispositional order ~~under sub. (1)~~ with respect to the amount of child support to be paid by a parent for the care and maintenance of the parent's minor juvenile who has been placed by a court order under this chapter in a residential, nonmedical

facility, the court shall determine the liability of the parent in the manner provided in s. 46.10 (14).

SECTION 9309. Initial applicability; circuit courts.

(1) FINANCIAL INFORMATION REGARDING CHILD IN SUBSTITUTE CARE. The treatment of sections 46.10 (1) and (14) (e) 1., 48.355 (2) (b) 4m., 48.363 (1m) and (2), 301.12 (1) and (14) (e) 1., 767.02 (1) (m), 767.30 (1), 767.305, 767.32 (1) (a) and (2r), 780.01 (5), 938.355 (2) (b) 4m. and 938.363 (1m) and (2) of the statutes, the renumbering of sections 48.357 (5m) and 938.357 (5m) of the statutes, the renumbering and amendment of sections 48.30 (6), 48.31 (7), 48.363 (1), 938.30 (6), 938.31 (7) and 938.363 (1) of the statutes and the creation of sections 48.30 (6) (c), 48.31 (7) (c), 48.357 (5m) (b), 48.363 (1) (d), 938.30 (6) (c), 938.31 (7) (c), 938.357 (5m) (b) and 938.363 (1) (d) of the statutes first apply to orders of the juvenile court entered on the effective date of this subsection.

SECTION 9323. Initial applicability; health and family services.

(1) This act first applies to contracts under section 46.036 of the statutes to provide client services on the basis of a unit rate per client service that are initially entered into or renewed on the effective date of this subsection.