

1999 Assembly Bill 706

Date of enactment: **May 9, 2000**
Date of publication*: **May 23, 2000**

1999 WISCONSIN ACT 133

AN ACT *to renumber and amend* 48.57 (3m) (a) and 48.57 (3n) (a); *to amend* 20.435 (3) (kd), 48.57 (3m) (am) 2., 48.57 (3n) (am) 6. a., 48.977 (1) and 118.175 (1); and *to create* 48.57 (3m) (a) 1. and 48.57 (3n) (a) 1. of the statutes; **relating to:** eligibility for kinship care or long-term kinship care payments of a relative who is providing care and maintenance for a person 18 years of age or over, but under 19 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma.

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

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

20.435 (3) (kd) *Kinship care and long-term kinship care assessments.* The amounts in the schedule for assessments of kinship care relatives, as defined in s. 48.57 (3m) (a) 2., and long-term kinship care relatives, as defined in s. 48.57 (3n) (a) 2., who provide care and maintenance for children to determine if those kinship care relatives and long-term kinship care relatives are eligible to receive payments under s. 48.57 (3m) or (3n). All moneys transferred from the appropriation account under s. 20.445 (3) (md) to this appropriation account shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year is transferred to the appropriation account under s. 20.445 (3) (ky).

SECTION 2. 48.57 (3m) (a) of the statutes is renumbered 48.57 (3m) (a) (intro.) and amended to read:

48.57 (3m) (a) (intro.) In this subsection, “~~kinship care relative~~”:

2. “Kinship care relative” means a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the prefix of grand, great or great-great, whether by consanguinity, direct affinity or legal adoption, or the spouse of any person named in this paragraph, even if the marriage is terminated by death or divorce.

SECTION 3. 48.57 (3m) (a) 1. of the statutes is created to read:

48.57 (3m) (a) 1. “Child” means a person under 18 years of age or a person 18 years of age or over, but under 19 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and who is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma.

SECTION 4. 48.57 (3m) (am) 2. of the statutes is amended to read:

48.57 (3m) (am) 2. The county department or department determines that the child meets one or more of the criteria specified in s. 48.13 or 938.13 ~~or~~ that the child would be at risk of meeting one or more of those criteria

* 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].

if the child were to remain in his or her home or, if the child is 18 years of age or over, that the child would meet or be at risk of meeting one or more of those criteria as specified in this subdivision if the child were under 18 years of age.

SECTION 5. 48.57 (3n) (a) of the statutes is renumbered 48.57 (3n) (a) (intro.) and amended to read:

48.57 (3n) (a) (intro.) In this subsection, "~~long-term kinship care relative~~";

2. "Long-term kinship care relative" means a step-parent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the prefix of grand, great or great-great, whether by consanguinity, direct affinity or legal adoption, or the spouse of any person named in this paragraph, even if the marriage is terminated by death or divorce.

SECTION 6. 48.57 (3n) (a) 1. of the statutes is created to read:

48.57 (3n) (a) 1. "Child" means a person under 18 years of age or a person 18 years of age or over, but under 19 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and who is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma.

SECTION 7. 48.57 (3n) (am) 6. a. of the statutes is

amended to read:

48.57 (3n) (am) 6. a. The date on which the child attains the age of 18 years or, if on that date the child is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma, the date on which the child is granted a high school or high school equivalency diploma or the date on which the child attains the age of 19 years, whichever occurs first.

SECTION 8. 48.977 (1) of the statutes is amended to read:

48.977 (1) DEFINITION. In this section, "relative" means a relative as defined in s. 48.02 (15) or a person specified in s. 48.57 (3m) (a) 2.

SECTION 9. 118.175 (1) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

118.175 (1) This section does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11) or 938.02 (11), or who is cared for by a kinship care relative, as defined in s. 48.57 (3m) (a) 2.

SECTION 10. Effective date.

(1) ELIGIBILITY OF STUDENTS OVER 18 FOR KINSHIP CARE AND LONG-TERM KINSHIP CARE PAYMENTS. This act takes effect on the first day of the first month beginning after publication.