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1 minor child who has been placed by a court order under this chapter in a residential,
2 nonmedical facility, the court shall determine the liability of the parent in the
3 manner provided in s. ~~46.10~~ 49.345 (14).

4 **SECTION 1262.** 48.38 (2) (intro.) of the statutes is amended to read:

5 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
6 for each child living in a foster home, treatment foster home, group home, residential
7 care center for children and youth, juvenile detention facility, or shelter care facility,
8 the agency that placed the child or arranged the placement or the agency assigned
9 primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.
10 shall prepare a written permanency plan, if any of the following conditions exists,
11 and, for each child living in the home of a relative other than a parent, that agency
12 shall prepare a written permanency plan, if any of the conditions specified in pars.
13 (a) to (e) exists:

14 **SECTION 1263.** 48.417 (2) (c) of the statutes is amended to read:

15 48.417 (2) (c) The agency primarily responsible for providing services to the
16 ~~child and the family~~ under a court order, if required under s. 48.355 (2) (b) 6. to make
17 reasonable efforts to make it possible for the child to return safely to his or her home,
18 has not provided to the family of the child, consistent with the time period in the
19 child's permanency plan, the services necessary for the safe return of the child to his
20 or her home.

21 **SECTION 1264.** 48.425 (1) (c) of the statutes is amended to read:

22 48.425 (1) (c) If the child has been previously adjudicated to be in need of
23 protection and services, a statement of the steps the agency or person responsible for
24 provision of services has taken to remedy the conditions responsible for court
25 intervention and the parent's response to and cooperation with these services. If the

1 child has been removed from the home, the report ~~should~~ shall also include a
2 statement of the reasons why the child cannot be returned safely to the family, and
3 the steps the person or agency has taken to effect this return. If a permanency plan
4 has previously been prepared for the child, the report shall also include specific
5 information showing that the agency primarily responsible for providing services to
6 the child has made reasonable efforts to achieve the goal of the child's permanency
7 plan.

8 **SECTION 1265.** 48.43 (1) (am) of the statutes is created to read:

9 48.43 (1) (am) If the department or a county department receives guardianship
10 or custody of the child under par. (a), an order ordering the child into the placement
11 and care responsibility of the department or county department as required under
12 42 USC 672 (a) (2) and assigning the department or county department primary
13 responsibility for providing services to the child.

14 **SECTION 1266.** 48.43 (1) (cm) of the statutes is created to read:

15 48.43 (1) (cm) If a permanency plan has previously been prepared for the child,
16 a finding as to whether the agency primarily responsible for providing services to the
17 child has made reasonable efforts to achieve the goal of the child's permanency plan.
18 The court shall make the findings specified in this paragraph on a case-by-case basis
19 based on circumstances specific to the child and shall document or reference the
20 specific information on which those findings are based in the order. An order that
21 merely references this paragraph without documenting or referencing that specific
22 information in the order or an amended order that retroactively corrects an earlier
23 order that does not comply with this paragraph is not sufficient to comply with this
24 paragraph.

SECTION 1273

1 of prevention and treatment of problems among children and families and related
2 social problems. The department may utilize all powers provided by the statutes,
3 including the authority to accept grants of money or property from federal, state, or
4 private sources, and enlist the cooperation of other appropriate agencies and state
5 departments.

6 **SECTION 1274.** 48.48 (12) (a) of the statutes is amended to read:

7 48.48 (12) (a) To enter into an agreement to assist in the cost of care of a child
8 after legal adoption when the department has determined that such assistance is
9 necessary to assure the child's adoption. Agreements under this paragraph shall be
10 made in accordance with s. 48.975. Payments shall be made from the appropriation
11 under s. ~~20.435 (3)~~ 20.437 (1) (dd).

12 **SECTION 1275.** 48.48 (17) (am) of the statutes is created to read:

13 48.48 (17) (am) The requirement of statewide uniformity with respect to the
14 organization and governance of human services does not apply to the administration
15 of child welfare services under par. (a).

16 **SECTION 1276.** 48.48 (17) (c) (intro.) of the statutes is amended to read:

17 48.48 (17) (c) (intro.) From the appropriations under s. ~~20.435 (3)~~ 20.437 (1)
18 (cx), (gx), (kw), and (mx), the department may provide funding for the maintenance
19 of any child who meets all of the following criteria:

20 **SECTION 1277.** 48.48 (17) (c) 3. of the statutes is amended to read:

21 48.48 (17) (c) 3. Received funding under s. 20.437 (1) (cx) or 48.569 (1) (d) or
22 under s. 20.435 (3) (cx), 2005 stats., or 46.495 (1) (d), 2005 stats., immediately prior
23 to his or her 18th birthday.

24 **SECTION 1278.** 48.48 (17) (d) of the statutes is amended to read:

1 48.48 (17) (d) The funding provided for the maintenance of a child under par.
2 (c) shall be in an amount equal to that which the child would receive under s. 20.435
3 ~~(3) 20.437 (1) (cx), (gx), (kw), and (mx) or 46.495~~ 48.569 (1) (d) if the child were 17
4 years of age.

5 **SECTION 1279.** 48.48 (18) of the statutes is created to read:

6 48.48 (18) To contract with public or voluntary agencies or others for the
7 following purposes:

8 (a) To purchase in full or in part care and services that the department is
9 authorized by any statute to provide as an alternative to providing that care and
10 those services itself.

11 (b) To purchase or provide in full or in part the care and services that county
12 agencies may provide or purchase under any statute and to sell to county agencies
13 such portions of that care and those services as the county agency may desire to
14 purchase.

15 (d) To sell services, under contract, that the department is authorized to
16 provide by statute, to any federally recognized tribal governing body.

17 **SECTION 1280.** 48.543 of the statutes is created to read:

18 **48.543 Services for children and families. (1)** From the appropriation
19 account under s. 20.435 (3) (ky), the department shall distribute the following
20 amounts in each fiscal year in Milwaukee County to organizations:

21 (a) To provide gender-responsive alcohol and other drug abuse treatment, case
22 management, child and family services, and educational services to drug dependent
23 women with children, \$250,000.

24 (b) To provide services to aid youth in making the transition from foster care
25 to independent living, \$50,000.

SECTION 1280

1 (2) From the appropriation account under s. 20.435 (3) (kz), the department
2 shall distribute \$500,000 in each fiscal year for comprehensive early childhood
3 initiatives in Dane County that provide home visiting and employment preparation
4 and support for low-income families.

5 ***-1508**/***SECTION 1281.** 48.543 (1) (intro.) of the statutes, as created by 2007
6 Wisconsin Act (this act), is amended to read:

7 48.543 (1) (intro.) From the appropriation account under s. ~~20.435 (3)~~ 20.437
8 (1) (ky), the department shall distribute the following amounts in each fiscal year in
9 Milwaukee County to organizations:

10 **SECTION 1282.** 48.543 (2) of the statutes, as created by 2007 Wisconsin Act
11 (this act), is amended to read:

12 48.543 (2) From the appropriation account under s. ~~20.435~~ 20.437 (1) (kz), the
13 department shall distribute \$500,000 in each fiscal year for comprehensive early
14 childhood initiatives in Dane County that provide home visiting and employment
15 preparation and support for low-income families.

16 **SECTION 1283.** 48.547 (2) of the statutes is amended to read:

17 48.547 (2) **DEPARTMENT RESPONSIBILITIES.** Within the availability of funding
18 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the program, the department
19 shall select counties to participate in the program. Unless a county department of
20 human services has been established under s. 46.23 in the county that is seeking to
21 implement a program, the application submitted to the department shall be a joint
22 application by the county department that provides social services and the county
23 department established under s. 51.42 or 51.437. The department shall select
24 counties in accordance with the request for proposal procedures established by the

1 department. The department shall give a preference to county applications that
2 include a plan for case management.

3 **SECTION 1284.** 48.55 (1) of the statutes is amended to read:

4 48.55 (1) The department shall establish a state adoption information
5 exchange for the purpose of finding adoptive homes for children with special needs
6 who do not have permanent homes and a state adoption center for the purposes of
7 increasing public knowledge of adoption and promoting to adolescents and pregnant
8 women the availability of adoption services. From the appropriation under s. 20.435
9 ~~(3) 20.437 (1) (dg)~~, the department may provide not more than \$163,700 in fiscal year
10 ~~2001-02 and~~ not more than \$171,300 in each fiscal year thereafter as grants to
11 individuals and private agencies to provide adoption information exchange services
12 and to operate the state adoption center.

13 **SECTION 1285.** 48.561 (3) (a) 1. of the statutes is amended to read:

14 48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the amount amounts
15 distributed to that county under s. ss. 46.40 (2) and 48.563 (2) in each state fiscal year.

16 **SECTION 1286.** 48.561 (3) (b) of the statutes is amended to read:

17 48.561 (3) (b) The department of administration shall collect the amount
18 specified in par. (a) 3. from a county having a population of 500,000 or more by
19 deducting all or part of that amount from any state payment due that county under
20 s. 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration shall
21 notify the department of revenue, by September 15 of each year, of the amount to be
22 deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or 79.08.
23 The department of administration shall credit all amounts collected under this
24 paragraph to the appropriation account under s. 20.435 ~~(3) 20.437 (1) (kw)~~ and shall
25 notify the county from which those amounts are collected of that collection. The

SECTION 1286

1 department may not expend any moneys from the appropriation account under s.
2 ~~20.435 (3)~~ 20.437 (1) (cx) for providing services to children and families under s. 48.48
3 (17) until the amounts in the appropriation account under s. ~~20.435 (3)~~ 20.437 (1)
4 (kw) are exhausted.

5 **SECTION 1287.** 48.563 of the statutes is created to read:

6 **48.563 Children and family aids funding.** (1) DISTRIBUTION LIMITS. (a)
7 Within the limits of available federal funds and of the appropriations under s. 20.437
8 (1) (b) and (o), the department shall distribute funds for children and family services
9 to county departments as provided in subs. (2), (3), and (7m) and s. 48.986.

10 (d) If the department receives from the department of health and family
11 services under s. 46.40 (1) (d) any federal moneys under 42 USC 1396 to 1396v in
12 reimbursement of the cost of preventing out-of-home placements of children, the
13 department shall use those moneys as the first source of moneys used to meet the
14 amount of the allocation under sub. (2) that is budgeted from federal funds.

15 (2) BASIC COUNTY ALLOCATION. For children and family services under s. 48.569
16 (1) (d), the department shall distribute not more than \$67,265,000 in each fiscal year.

17 **SECTION 1288.** 48.565 of the statutes is created to read:

18 **48.565 Carry-over of children and family aids funds.** Funds allocated by
19 the department under s. 48.569 (1) (d) but not spent or encumbered by counties,
20 governing bodies of federally recognized American Indian tribes, or private nonprofit
21 organizations by December 31 of each year and funds recovered under s. 48.569 (2)
22 (b) and deposited into the appropriation account under s. 20.437 (1) (b) lapse to the
23 general fund on the succeeding January 1 unless carried forward to the next calendar
24 year under s. 20.437 (1) (b) or as follows:

1 **(3)** At the request of a county, tribal governing body, or private nonprofit
2 organization, the department shall carry forward up to 3 percent of the total amount
3 allocated to the county, tribal governing body, or nonprofit organization for a
4 calendar year. All funds carried forward for a tribal governing body or nonprofit
5 organization and all federal child welfare funds under 42 USC 620 to 626 carried
6 forward for a county shall be used for the purpose for which the funds were originally
7 allocated. Other funds carried forward under this subsection may be used for any
8 purpose under s. 20.437 (1) (b), except that a county may not use any funds carried
9 forward under this subsection for administrative or staff costs. An allocation of
10 carried-forward funding under this subsection does not affect a county's base
11 allocation under s. 48.563 (2).

12 **(6)** The department may carry forward 10 percent of any funds specified in sub.
13 (3) that are not carried forward under sub. (3) for emergencies, for justifiable unit
14 services costs above planned levels, and for increased costs due to population shifts.
15 An allocation of carried-forward funding under this subsection does not affect a
16 county's base allocation under s. 48.563 (2).

17 **SECTION 1289.** 48.567 of the statutes is created to read:

18 **48.567 Expenditure of income augmentation services receipts. (1)**

19 From the appropriation account under s. 20.437 (3) (mp), the department shall
20 support costs that are exclusively related to the ongoing and recurring operational
21 costs of augmenting the amount of moneys received under 42 USC 670 to 679a and
22 to any other purpose provided for by the legislature by law or in budget
23 determinations. In addition, the department may expend moneys from the
24 appropriation account under s. 20.437 (3) (mp) as provided in subs. (1m) and (2).

1 (2) If the department proposes to use any moneys from the appropriation
2 account under s. 20.437 (3) (mp) for any purpose other than the purposes specified
3 in subs. (1) and (1m), the department shall submit a plan for the proposed use of those
4 moneys to the secretary of administration by September 1 of the fiscal year after the
5 fiscal year in which those moneys were received. If the secretary of administration
6 approves the plan, he or she shall submit the plan to the joint committee on finance
7 by October 1 of the fiscal year after the fiscal year in which those moneys were
8 received. If the cochairpersons of the committee do not notify the secretary of
9 administration within 14 working days after the date of submittal of the plan that
10 the committee has scheduled a meeting for the purpose of reviewing the plan, the
11 department may implement the plan. If within 14 working days after the date of the
12 submittal by the secretary of administration the cochairpersons of the committee
13 notify him or her that the committee has scheduled a meeting for the purpose of
14 reviewing the plan, the department may implement the plan only with the approval
15 of the committee.

16 **SECTION 1290.** 48.568 of the statutes is created to read:

17 **48.568 Allocation of federal funds for children and family aids and**
18 **child welfare.** Subject to s. 48.563 (1) (b) and (c), if the department receives
19 unanticipated federal foster care and adoption assistance payments under 42 USC
20 670 to 679a and it proposes to allocate the unanticipated funds so that an allocation
21 limit in s. 48.563 is exceeded, the department shall submit a plan for the proposed
22 allocation to the secretary of administration. If the secretary of administration
23 approves the plan, he or she shall submit it to the joint committee on finance. If the
24 cochairpersons of the committee do not notify the secretary of administration that
25 the committee has scheduled a meeting for the purpose of reviewing the plan within

1 14 working days after the date of his or her submittal, the department may
2 implement the plan, notwithstanding any allocation limits under s. 48.563. If within
3 14 working days after the date of the submittal by the secretary of administration
4 the cochairpersons of the committee notify him or her that the committee has
5 scheduled a meeting for the purpose of reviewing the plan, the department may
6 implement the plan, notwithstanding s. 48.563, only with the approval of the
7 committee.

8 **SECTION 1291.** 48.569 of the statutes is created to read:

9 **48.569 Distribution of children and family aids funds to counties. (1)**

10 (am) The department shall reimburse each county from the appropriations under
11 s. 20.437 (1) (b) and (o) for children and family services as approved by the
12 department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

13 (d) From the appropriations under s. 20.437 (1) (b) and (o), the department shall
14 distribute the funding for children and family services, including funding for foster
15 care, treatment foster care, or subsidized guardianship care of a child on whose
16 behalf aid is received under s. 48.645 to county departments as provided under s.
17 48.563. County matching funds are required for the distribution under s. 48.563 (2).
18 Each county's required match for the distribution under s. 48.563 (2) shall be
19 specified in a schedule established annually by the department. Matching funds
20 may be from county tax levies, federal and state revenue sharing funds, or private
21 donations to the county that meet the requirements specified in sub. (1m). Private
22 donations may not exceed 25 percent of the total county match. If the county match
23 is less than the amount required to generate the full amount of state and federal
24 funds distributed for this period, the decrease in the amount of state and federal

1 funds equals the difference between the required and the actual amount of county
2 matching funds.

3 (dc) The department shall prorate the amount allocated to any county
4 department under par. (d) to reflect actual federal funds available.

5 (f) 1. If any state matching funds allocated under par. (d) to match county funds
6 are not claimed, the funds shall be redistributed for the purposes the department
7 designates.

8 2. The county allocation to match aid increases shall be included in the contract
9 under s. 49.325 (2g), and approved by January 1 of the year for which funds are
10 allocated, in order to generate state aid matching funds. All funds allocated under
11 par. (d) shall be included in the contract under s. 49.325 (2g) and approved.

12 (1m) (a) A private donation to a county may be used to match the state
13 grant-in-aid under sub. (1) (d) only if the donation is both of the following:

14 1. Donated to a county department and the donation is under the
15 administrative control of that county department.

16 2. Donated without restrictions as to use, unless the restrictions specify that
17 the donation be used for a particular service and the donor neither sponsors nor
18 operates the service.

19 (b) Voluntary federated fund-raising organizations are not sponsors or
20 operators of services within the meaning of par. (a) 2. Any member agency of such
21 an organization that sponsors or operates services is considered to be an autonomous
22 entity separate from the organization unless the board membership of the
23 organization and the agency interlock.

24 (2) (a) The county treasurer and each director of a county department shall
25 monthly certify under oath to the department, in the manner the department

1 prescribes, the claim of the county for state reimbursement under this section, and
2 if the department approves the claim it shall certify to the department of
3 administration for reimbursement to the county for amounts due under this section
4 and payment claimed to be made to the counties monthly. The department may make
5 advance payments prior to the beginning of each month equal to one-twelfth of the
6 contracted amount.

7 (b) To facilitate prompt reimbursement, the certificate of the department may
8 be based on the certified statements of the county officers filed under par. (a). Funds
9 recovered from audit adjustments from a prior fiscal year may be included in
10 subsequent certifications only to pay counties owed funds as a result of any audit
11 adjustment. By September 30 of each year the department shall submit a report to
12 the appropriate standing committees under s. 13.172 (3) on funds recovered and paid
13 out during the previous calendar year as a result of audit adjustments.

14 **SECTION 1292.** 48.57 (1) (g) of the statutes is amended to read:

15 48.57 (1) (g) Upon request of the department of health and family services or
16 the department of corrections, to provide service for any child or expectant mother
17 of an unborn child in the care of those departments.

18 **SECTION 1293.** 48.57 (3) (a) 3. (intro.) of the statutes is amended to read:

19 48.57 (3) (a) 3. (intro.) Received funding under s. 48.569 (1) (d) or under s.
20 46.495 (1) (d), 2005 stats., immediately prior to his or her 18th birthday; and

21 **SECTION 1294.** 48.57 (3) (b) of the statutes is amended to read:

22 48.57 (3) (b) The funding provided for the maintenance of a child under par. (a)
23 shall be in an amount equal to that which the child would receive under s. ~~46.495~~
24 48.569 (1) (d) if the child were 17 years of age.

25 **SECTION 1295.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

SECTION 1295

1 48.57 **(3m)** (am) (intro.) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1)
2 (kc), the department shall reimburse counties having populations of less than
3 500,000 for payments made under this subsection and shall make payments under
4 this subsection in a county having a population of 500,000 or more. A county
5 department and, in a county having a population of 500,000 or more, the department
6 shall make payments in the amount of \$215 per month to a kinship care relative who
7 is providing care and maintenance for a child if all of the following conditions are met:

8 **SECTION 1296.** 48.57 (3m) (e) of the statutes is amended to read:

9 48.57 **(3m)** (e) The department shall determine whether the child is eligible
10 for medical assistance under ss. 49.43 to ~~49.47~~ 49.471.

11 **SECTION 1297.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

12 48.57 **(3m)** (am) (intro.) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1)
13 (kc), the department shall reimburse counties having populations of less than
14 500,000 for payments made under this subsection and shall make payments under
15 this subsection in a county having a population of 500,000 or more. A county
16 department and, in a county having a population of 500,000 or more, the department
17 shall make monthly payments for each child in the amount specified in sub. (3m)
18 (am) (intro.) to a long-term kinship care relative who is providing care and
19 maintenance for that child if all of the following conditions are met:

20 **SECTION 1298.** 48.57 (3n) (e) of the statutes is amended to read:

21 48.57 **(3n)** (e) The department shall determine whether the child is eligible for
22 medical assistance under ss. 49.43 to ~~49.47~~ 49.471.

23 **SECTION 1299.** 48.57 (3p) (b) 1. of the statutes is amended to read:

24 48.57 **(3p)** (b) 1. After receipt of an application for payments under sub. (3m)
25 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a

1 population of 500,000 or more, the department of health and family services, with
2 the assistance of the department of justice, shall conduct a background investigation
3 of the applicant.

4 **SECTION 1300.** 48.57 (3p) (b) 2. of the statutes is amended to read:

5 48.57 (3p) (b) 2. The county department or, in a county having a population of
6 500,000 or more, the department of health and family services, with the assistance
7 of the department of justice, may conduct a background investigation of any person
8 who is receiving payments under sub. (3m) at the time of review under sub. (3m) (d)
9 or at any other time that the county department or department of health and family
10 services considers to be appropriate.

11 **SECTION 1301.** 48.57 (3p) (b) 3. of the statutes is amended to read:

12 48.57 (3p) (b) 3. The county department or, in a county having a population of
13 500,000 or more, the department of health and family services, with the assistance
14 of the department of justice, may conduct a background investigation of any person
15 who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that
16 the county department or department of health and family services considers to be
17 appropriate.

18 **SECTION 1302.** 48.57 (3p) (c) 1. of the statutes is amended to read:

19 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)
20 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
21 population of 500,000 or more, the department of health and family services, with
22 the assistance of the department of justice, shall, in addition to the investigation
23 under par. (b) 1., conduct a background investigation of all employees and
24 prospective employees of the applicant who have or would have regular contact with
25 the child for whom those payments are being made and of each adult resident.

SECTION 1303

1 **SECTION 1303.** 48.57 (3p) (c) 2. of the statutes is amended to read:

2 48.57 (3p) (c) 2. The county department or, in a county having a population of
3 500,000 or more, the department of ~~health and family services~~, with the assistance
4 of the department of justice, may conduct a background investigation of any of the
5 employees or prospective employees of any person who is receiving payments under
6 sub. (3m) who have or would have regular contact with the child for whom those
7 payments are being made and of each adult resident at the time of review under sub.
8 (3m) (d) or at any other time that the county department or department of ~~health and~~
9 ~~family services~~ considers to be appropriate.

10 **SECTION 1304.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

11 48.57 (3p) (c) 2m. The county department or, in a county having a population
12 of 500,000 or more, the department of ~~health and family services~~, with the assistance
13 of the department of justice, may conduct a background investigation of any of the
14 employees or prospective employees of any person who is receiving payments under
15 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child
16 for whom payments are being made and of each adult resident at any time that the
17 county department or department of ~~health and family services~~ considers to be
18 appropriate.

19 **SECTION 1305.** 48.57 (3p) (c) 3. of the statutes is amended to read:

20 48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or
21 (3n) or s. 48.62 (5) (a) or (b) may employ any person in a position in which that person
22 would have regular contact with the child for whom those payments are being made
23 or permit any person to be an adult resident, the county department or, in a county
24 having a population of 500,000 or more, the department of ~~health and family~~
25 ~~services~~, with the assistance of the department of justice, shall conduct a background

1 investigation of the prospective employee or prospective adult resident unless that
2 person has already been investigated under subd. 1., 2. or 2m.

3 **SECTION 1306.** 48.57 (3p) (d) of the statutes is amended to read:

4 48.57 (3p) (d) If the person being investigated under par. (b) or (c) is a
5 nonresident, or at any time within the 5 years preceding the date of the application
6 has been a nonresident, or if the county department or, in a county having a
7 population of 500,000 or more, the department of health and family services
8 determines that the person's employment, licensing or state court records provide a
9 reasonable basis for further investigation, the county department or department of
10 health and family services shall require the person to be fingerprinted on 2
11 fingerprint cards, each bearing a complete set of the person's fingerprints. The
12 department of justice may provide for the submission of the fingerprint cards to the
13 federal bureau of investigation for the purposes of verifying the identity of the person
14 fingerprinted and obtaining records of his or her criminal arrest and conviction.

15 **SECTION 1307.** 48.57 (3p) (e) (intro.) of the statutes is amended to read:

16 48.57 (3p) (e) (intro.) Upon request, a person being investigated under par. (b)
17 or (c) shall provide the county department or, in a county having a population of
18 500,000 or more, the department of health and family services with all of the
19 following information:

20 **SECTION 1308.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

21 48.57 (3p) (fm) 1. The county department or, in a county having a population
22 of 500,000 or more, the department of health and family services may provisionally
23 approve the making of payments under sub. (3m) based on the applicant's statement
24 under sub. (3m) (am) 4m. The county department or department of health and family
25 services may not finally approve the making of payments under sub. (3m) unless the

SECTION 1308

1 county department or department of health and family services receives information
2 from the department of justice indicating that the conviction record of the applicant
3 under the law of this state is satisfactory according to the criteria specified in par.
4 (g) 1. to 3. or payment is approved under par. (h) 4. The county department or
5 department of health and family services may make payments under sub. (3m)
6 conditioned on the receipt of information from the federal bureau of investigation
7 indicating that the person's conviction record under the law of any other state or
8 under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

9 **SECTION 1309.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

10 48.57 (3p) (fm) 1m. The county department or, in a county having a population
11 of 500,000 or more, the department of health and family services may not enter into
12 the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b)
13 unless the county department or department of health and family services receives
14 information from the department of justice relating to the conviction record of the
15 applicant under the law of this state and that record indicates either that the
16 applicant has not been arrested or convicted or that the applicant has been arrested
17 or convicted but the director of the county department or, in a county having a
18 population of 500,000 or more, the person designated by the secretary of health and
19 family services to review conviction records under this subdivision determines that
20 the conviction record is satisfactory because it does not include any arrest or
21 conviction that the director or person designated by the secretary determines is
22 likely to adversely affect the child or the applicant's ability to care for the child. The
23 county department or, in a county having a population of 500,000 or more, the
24 department of health and family services may make payments under sub. (3n) or s.
25 48.62 (5) (a) or (b) conditioned on the receipt of information from the federal bureau

1 of investigation indicating that the person's conviction record under the law of any
2 other state or under federal law is satisfactory because the conviction record does not
3 include any arrest or conviction that the director of the county department or, in a
4 county having a population of 500,000 or more, the person designated by the
5 secretary of health and family services to review conviction records under this
6 subdivision determines is likely to adversely affect the child or the applicant's ability
7 to care for the child.

8 **SECTION 1310.** 48.57 (3p) (fm) 2. of the statutes is amended to read:

9 48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may
10 provisionally employ a person in a position in which that person would have regular
11 contact with the child for whom those payments are being made or provisionally
12 permit a person to be an adult resident if the person receiving those payments states
13 to the county department or, in a county having a population of 500,000 or more, the
14 department of health and family services that the employee or adult resident does
15 not have any arrests or convictions that could adversely affect the child or the ability
16 of the person receiving payments to care for the child. A person receiving payments
17 under sub. (3m) may not finally employ a person in a position in which that person
18 would have regular contact with the child for whom those payments are being made
19 or finally permit a person to be an adult resident until the county department or, in
20 a county having a population of 500,000 or more, the department of health and family
21 services receives information from the department of justice indicating that the
22 person's conviction record under the law of this state is satisfactory according to the
23 criteria specified in par. (g) 1. to 3. and the county department or, in a county having
24 a population of 500,000 or more, the department of health and family services so
25 advises the person receiving payments under sub. (3m) or until a decision is made

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1 under par. (h) 4. to permit a person who is receiving payments under sub. (3m) to
2 employ a person in a position in which that person would have regular contact with
3 the child for whom payments are being made or to permit a person to be an adult
4 resident and the county department or, in a county having a population of 500,000
5 or more, the department of health and family services so advises the person receiving
6 payments under sub. (3m). A person receiving payments under sub. (3m) may finally
7 employ a person in a position in which that person would have regular contact with
8 the child for whom those payments are being made or finally permit a person to be
9 an adult resident conditioned on the receipt of information from the county
10 department or, in a county having a population of 500,000 or more, the department
11 of health and family services that the federal bureau of investigation indicates that
12 the person's conviction record under the law of any other state or under federal law
13 is satisfactory according to the criteria specified in par. (g) 1. to 3.

14 **SECTION 1311.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

15 48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)
16 (a) or (b) may provisionally employ a person in a position in which that person would
17 have regular contact with the child for whom those payments are being made or
18 provisionally permit a person to be an adult resident if the person receiving those
19 payments states to the county department or, in a county having a population of
20 500,000 or more, the department of health and family services that, to the best of his
21 or her knowledge, the employee or adult resident does not have any arrests or
22 convictions that could adversely affect the child or the ability of the person receiving
23 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62
24 (5) (a) or (b) may not finally employ a person in a position in which that person would
25 have regular contact with the child for whom those payments are being made or

1 finally permit a person to be an adult resident until the county department or, in a
2 county having a population of 500,000 or more, the department of health and family
3 services receives information from the department of justice relating to the person's
4 conviction record under the law of this state and that record indicates either that the
5 person has not been arrested or convicted or that the person has been arrested or
6 convicted but the director of the county department or, in a county having a
7 population of 500,000 or more, the person designated by the secretary of health and
8 family services to review conviction records under this subdivision determines that
9 the conviction record is satisfactory because it does not include any arrest or
10 conviction that is likely to adversely affect the child or the ability of the person
11 receiving payments to care for the child and the county department or department
12 of health and family services so advises the person receiving payments under sub.
13 (3n) or s. 48.62 (5) (a) or (b). A person receiving payments under sub. (3n) or s. 48.62
14 (5) (a) or (b) may finally employ a person in a position in which that person would
15 have regular contact with the child for whom those payments are being made or
16 finally permit a person to be an adult resident conditioned on the receipt of
17 information from the county department or, in a county having a population of
18 500,000 or more, the department of health and family services that the federal
19 bureau of investigation indicates that the person's conviction record under the law
20 of any other state or under federal law is satisfactory because the conviction record
21 does not include any arrest or conviction that the director of the county department
22 or, in a county having a population of 500,000 or more, the person designated by the
23 secretary of health and family services to review conviction records under this
24 subdivision determines is likely to adversely affect the child or the ability of the
25 person receiving payments to care for the child.

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1 **SECTION 1312.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

2 48.57 **(3p)** (g) (intro.) Except as provided in par. (h), the county department or,
3 in a county having a population of 500,000 or more, the department of ~~health and~~
4 ~~family services~~ may not make payments to a person applying for payments under
5 sub. (3m) and a person receiving payments under sub. (3m) may not employ a person
6 in a position in which that person would have regular contact with the child for whom
7 those payments are being made or permit a person to be an adult resident if any of
8 the following applies:

9 **SECTION 1313.** 48.57 (3p) (g) 3. of the statutes is amended to read:

10 48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944m
11 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63m or 948.70,
12 or of a violation of the law of any other state or federal law that would be a violation
13 of ch. 940, 944m or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,
14 948.63m or 948.70, if committed in this state, except that a county department or,
15 in a county having a population of 500,000 or more, the department of ~~health and~~
16 ~~family services~~ may make payments to a person applying for payments under sub.
17 (3m) and a person receiving payments under sub. (3m) may employ in a position in
18 which the person would have regular contact with the child for whom those payments
19 are being made or permit to be an adult resident a person who has been convicted
20 of a violation of s. 944.30, 944.31, or 944.33 or of a violation of the law of any other
21 state or federal law that would be a violation of s. 944.30, 944.31, or 944.33 if
22 committed in this state, if that violation occurred 20 years or more before the date
23 of the investigation.

24 **SECTION 1314.** 48.57 (3p) (h) 2. of the statutes is amended to read:

1 48.57 (3p) (h) 2. The request for review shall be filed with the director of the
2 county department or, in a county having a population of 500,000 or more, with the
3 person designated by the secretary of health and family services to receive requests
4 for review filed under this subdivision. If the governing body of a federally
5 recognized American Indian tribe or band has entered into an agreement under sub.
6 (3t) to administer the program under this subsection and sub. (3m), the request for
7 review shall be filed with the person designated by that governing body to receive
8 requests for review filed under this subdivision.

9 **SECTION 1315.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

10 48.57 (3p) (h) 3. (intro.) The director of the county department, the person
11 designated by the governing body of a federally recognized American Indian tribe or
12 band or, in a county having a population of 500,000 or more, the person designated
13 by the secretary of health and family services shall review the denial of payments or
14 the prohibition on employment or being an adult resident to determine if the
15 conviction record on which the denial or prohibition is based includes any arrests,
16 convictions, or penalties that are likely to adversely affect the child or the ability of
17 the kinship care relative to care for the child. In reviewing the denial or prohibition,
18 the director of the county department, the person designated by the governing body
19 of the federally recognized American Indian tribe or band or the person designated
20 by the secretary of health and family services shall consider, but not be limited to,
21 all of the following factors:

22 **SECTION 1316.** 48.57 (3p) (h) 4. of the statutes is amended to read:

23 48.57 (3p) (h) 4. If the director of the county department, the person designated
24 by the governing body of the federally recognized American Indian tribe or band or,
25 in a county having a population of 500,000 or more, the person designated by the

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1 ~~secretary of health and family services~~ determines that the conviction record on
2 which the denial of payments or the prohibition on employment or being an adult
3 resident is based does not include any arrests, convictions, or penalties that are likely
4 to adversely affect the child or the ability of the kinship care relative to care for the
5 child, the director of the county department, the person designated by the governing
6 body of the federally recognized American Indian tribe or band, or the person
7 designated by the ~~secretary of health and family services~~ may approve the making
8 of payments under sub. (3m) or may permit a person receiving payments under sub.
9 (3m) to employ a person in a position in which that person would have regular contact
10 with the child for whom payments are being made or permit a person to be an adult
11 resident.

12 **SECTION 1317.** 48.57 (3p) (i) of the statutes is amended to read:

13 48.57 (3p) (i) A county department and, in a county having a population of
14 500,000 or more, the ~~department of health and family services~~ shall keep
15 confidential all information received under this subsection from the department of
16 justice or the federal bureau of investigation. Such information is not subject to
17 inspection or copying under s. 19.35.

18 **SECTION 1318.** 48.57 (3p) (j) of the statutes is amended to read:

19 48.57 (3p) (j) A county department or, in a county having a population of
20 500,000 or more, the ~~department of health and family services~~ may charge a fee for
21 conducting a background investigation under this subsection. The fee may not
22 exceed the reasonable cost of conducting the investigation.

23 **SECTION 1319.** 48.576 of the statutes is created to read:

24 **48.576 Shelter care facilities; general supervision and inspection by**
25 **department. (1) GENERALLY.** The department shall investigate and supervise all

1 shelter care facilities and familiarize itself with all the circumstances affecting their
2 management and usefulness.

3 **(2) INSPECTIONS.** The department shall inquire into the methods of treatment,
4 instruction, government, and management of children placed in shelter care
5 facilities; the conduct of the trustees, managers, directors, superintendents, and
6 other officers and employees of those facilities; the condition of the buildings,
7 grounds, and all other property pertaining to those facilities; and all other matters
8 pertaining to the usefulness and management of those facilities; and recommend to
9 the officers in charge such changes and additional provisions as the department
10 considers proper.

11 **(3) FREQUENCY OF INSPECTIONS.** The department shall inspect and investigate
12 each shelter care facility at least annually and, when directed by the governor, the
13 department shall conduct a special investigation into a shelter care facility's
14 management, or anything connected with its management, and report to the
15 governor the testimony taken, the facts found, and conclusions drawn.

16 **(4) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS.** Upon request
17 of the department, the attorney general or the district attorney of the proper county
18 shall aid in any investigation, inspection, hearing, or trial had under the provisions
19 of this chapter relating to powers of the department, and shall institute and
20 prosecute all necessary actions or proceedings for the enforcement of those
21 provisions and for the punishment of violations of those provisions. The attorney
22 general or district attorney so requested shall report or confer with the department
23 regarding the request, within 30 days after the receipt of the request.

24 **(5) OPPORTUNITY TO INSPECT.** All trustees, managers, directors,
25 superintendents, and other officers or employees of a shelter care facility shall at all

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1 times afford to every member of the department and its agents unrestrained facility
2 for inspection of and free access to all parts of the buildings and grounds and to all
3 books and papers of the shelter care facility, and shall give, either verbally or in
4 writing, such information as the department requires. Any person who violates this
5 subsection shall forfeit not less than \$10 nor more than \$100.

6 **(6) TESTIMONIAL POWER; EXPENSES.** The department or any person delegated by
7 the department may administer oaths, take testimony, and cause depositions to be
8 taken. All expenses of the investigations, including fees of officers and witnesses,
9 shall be charged to the appropriation for the department.

10 **(7) STATISTICS TO BE FURNISHED.** Whenever the department is required to collect
11 statistics, the person or agency shall furnish the required statistics on request.

12 **SECTION 1320.** 48.578 of the statutes is created to read:

13 **48.578 Shelter care facilities; establishment, approval, inspection. (1)**

14 The department shall fix reasonable standards and regulations for the design,
15 construction, repair, and maintenance of shelter care facilities, with respect to their
16 adequacy and fitness for the needs that they are to serve.

17 **(2)** The selection and purchase of the site, and the plans, specifications, and
18 erection of buildings for shelter care facilities shall be subject to the review and
19 approval of the department. Department review shall include review of the proposed
20 program to be carried out by the shelter care facility.

21 **(3)** Before any shelter care facility is occupied, and at least annually thereafter,
22 the department shall inspect the shelter care facility, with respect to safety,
23 sanitation, adequacy, and fitness, and report to the authorities managing the shelter
24 care facility any deficiency found, and order the necessary work to correct that
25 deficiency. If within 6 months after the inspection the work is not commenced, or not

1 completed within a reasonable period after commencement of the work, to the
2 satisfaction of the department, the department shall suspend the allowance of state
3 aid for, and prohibit the use of the shelter care facility, until the order is complied
4 with.

5 **SECTION 1321.** 48.60 (3) of the statutes is amended to read:

6 48.60 (3) Before issuing or continuing any license to a child welfare agency
7 under this section, the department of health and family services shall review the
8 need for the additional placement resources that would be made available by
9 licensing or continuing the license of any child welfare agency after August 5, 1973,
10 providing care authorized under s. 48.61 (3). Neither the department of health and
11 family services nor the department of corrections may make any placements to any
12 child welfare agency where the departmental review required under this subsection
13 has failed to indicate the need for the additional placement resources.

14 **SECTION 1322.** 48.62 (4) of the statutes is amended to read:

15 48.62 (4) Monthly payments in foster care shall be provided according to the
16 age-related rates specified in this subsection. Beginning on January 1, 2006, the
17 age-related rates are ~~\$317 for a child under 5 years of age; \$346 for a child 5 to 11~~
18 ~~years of age; \$394 for a child 12 to 14 years of age; and \$411~~ 2008, the age-related
19 rates are \$333 for a child under 5 years of age; \$363 for a child 5 to 11 years of age;
20 \$414 for a child 12 to 14 years of age; and \$432 for a child 15 years of age or over.
21 Beginning on January 1, 2009, the age-related rates are \$349 for a child under 5
22 years of age; \$381 for a child 5 to 11 years of age; \$433 for a child 12 to 14 years of
23 age; and \$452 for a child 15 years of age or over. In addition to these grants for basic
24 maintenance, the department shall make supplemental payments for special needs,

1 exceptional circumstances, care in a treatment foster home, and initial clothing
2 allowances according to rules promulgated by the department.

3 **SECTION 1323.** 48.62 (5) (d) of the statutes is amended to read:

4 48.62 (5) (d) The department shall request from the secretary of the federal
5 department of health and human services a waiver of the requirements under 42
6 USC 670 to 679a that would authorize the state to receive federal foster care and
7 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of
8 providing care for a child who is in the care of a guardian who was licensed as the
9 child's foster parent or treatment foster parent before the guardianship appointment
10 and who has entered into a subsidized guardianship agreement with the county
11 department or department. If the waiver is approved for a county having a
12 population of 500,000 or more, the department shall provide the monthly payments
13 under par. (a) from the appropriations under s. ~~20.435-3~~ 20.437 (1) (cx), (gx), (kw),
14 and (mx). If the waiver is approved for any other county, the department shall
15 determine which counties are authorized to provide monthly payments under par.
16 (a) or (b), and the county departments of those counties shall provide those payments
17 from moneys received under s. ~~46.495~~ 48.569 (1) (d).

18 **SECTION 1324.** 48.627 (2) (c) of the statutes is amended to read:

19 48.627 (2) (c) The department shall conduct a study to determine the
20 cost-effectiveness of purchasing insurance to provide standard homeowner's or
21 renter's liability insurance coverage for applicants who are granted a waiver under
22 par. (b). If the department determines that it would be cost-effective to purchase
23 such insurance, it may purchase the insurance from the appropriations under s.
24 ~~20.435-3~~ 20.437 (1) (cf) and (pd).

25 **SECTION 1325.** 48.627 (2c) of the statutes is amended to read:

1 48.627 (2c) The department shall determine the cost-effectiveness of
2 purchasing private insurance that would provide coverage to foster, treatment foster,
3 and family-operated group home parents for acts or omissions by or affecting a child
4 who is placed in a foster home, a treatment foster home, or a family-operated group
5 home. If this private insurance is cost-effective and available, the department shall
6 purchase the insurance from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf)
7 and (pd). If the insurance is unavailable, payment of claims for acts or omissions by
8 or affecting a child who is placed in a foster home, a treatment foster home, or a
9 family-operated group home shall be in accordance with subs. (2m) to (3).

10 **SECTION 1326.** 48.627 (2m) of the statutes is amended to read:

11 48.627 (2m) Within the limits of the appropriations under s. ~~20.435 (3)~~ 20.437
12 (1) (cf) and (pd), the department shall pay claims to the extent not covered by any
13 other insurance and subject to the limitations specified in sub. (3), for bodily injury
14 or property damage sustained by a licensed foster, treatment foster, or
15 family-operated group home parent or a member of the foster, treatment foster, or
16 family-operated group home parent's family as a result of the act of a child in the
17 foster, treatment foster, or family-operated group home parent's care.

18 **SECTION 1327.** 48.627 (2s) (intro.) of the statutes is amended to read:

19 48.627 (2s) (intro.) Within the limits of the appropriations under s. ~~20.435 (3)~~
20 20.437 (1) (cf) and (pd), the department may pay claims to the extent not covered by
21 any other insurance and subject to the limitations specified in sub. (3), for all of the
22 following:

23 **SECTION 1328.** 48.627 (3) (f) of the statutes is amended to read:

24 48.627 (3) (f) If the total amount of the claims approved during any calendar
25 quarter exceeds 25% of the total funds available during the fiscal year for purposes

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1 of this subsection plus any unencumbered funds remaining from the previous
2 quarter, the department shall prorate the available funds among the claimants with
3 approved claims. The department shall also prorate any unencumbered funds
4 remaining in the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (cf) at the end of each
5 fiscal year among the claimants whose claims were prorated during the fiscal year.
6 Payment of a prorated amount from unencumbered funds remaining at the end of
7 the fiscal year constitutes a complete payment of the claim for purposes of this
8 program, but does not prohibit a foster parent or treatment foster parent from
9 submitting a claim under s. 16.007 for the unpaid portion.

10 **SECTION 1329.** 48.627 (4) of the statutes is amended to read:

11 48.627 (4) Except as provided in s. 895.485, the department is not liable for any
12 act or omission by or affecting a child who is placed in a foster home, treatment foster
13 home, or family-operated group home, but shall, as provided in this section, pay
14 claims described under sub. (2m) and may pay claims described under sub. (2s) or
15 may purchase insurance to cover such claims as provided for under sub. (2c), within
16 the limits of the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

17 **SECTION 1330.** 48.63 (1) of the statutes is amended to read:

18 48.63 (1) Acting under court order or voluntary agreement, the child's parent
19 or guardian or the department of health and family services, the department of
20 corrections, a county department, or a child welfare agency licensed to place children
21 in foster homes, treatment foster homes, or group homes may place a child or
22 negotiate or act as intermediary for the placement of a child in a foster home,
23 treatment foster home, or group home. Voluntary agreements under this subsection
24 may not be used for placements in facilities other than foster, treatment foster, or
25 group homes and may not be extended. A foster home or treatment foster home

1 placement under a voluntary agreement may not exceed 180 days from the date on
2 which the child was removed from the home under the voluntary agreement. A group
3 home placement under a voluntary agreement may not exceed 15 days from the date
4 on which the child was removed from the home under the voluntary agreement,
5 except as provided in sub. (5). These time limitations do not apply to placements
6 made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be
7 made only under this subsection and sub. (5) (b) and shall be in writing and shall
8 specifically state that the agreement may be terminated at any time by the parent
9 or guardian or by the child if the child's consent to the agreement is required. The
10 child's consent to the agreement is required whenever the child is 12 years of age or
11 older. If a county department, the department, or the department of corrections
12 places a child or negotiates or acts as intermediary for the placement of a child under
13 this subsection, the voluntary agreement shall also specifically state that the county
14 department, department, or department of corrections has placement and care
15 responsibility for the child as required under 42 USC 672 (a) (2) and has primary
16 responsibility for providing services to the child.

17 **SECTION 1331.** 48.64 (1) of the statutes is amended to read:
18 **48.64 (1) DEFINITION.** In this section, "agency" means the department of health
19 and family services, the department of corrections, a county department, or a
20 licensed child welfare agency authorized to place children in foster homes, treatment
21 foster homes, or group homes.

22 **SECTION 1332.** 48.651 (1) (intro.) of the statutes is amended to read:
23 **48.651 (1) (intro.)** Each county department shall certify, according to the
24 standards adopted by the department of workforce development under s. 49.155 (1d),
25 each day care provider reimbursed for child care services provided to families

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1 determined eligible under s. 49.155, unless the provider is a day care center licensed
2 under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county
3 may charge a fee to cover the costs of certification. To be certified under this section,
4 a person must meet the minimum requirements for certification established by the
5 department of workforce development under s. 49.155 (1d), meet the requirements
6 specified in s. 48.685 and pay the fee specified in this section. The county shall certify
7 the following categories of day care providers:

8 **SECTION 1333.** 48.651 (1) (a) of the statutes is amended to read:

9 48.651 (1) (a) Level I certified family day care providers, as established by the
10 department of workforce development under s. 49.155 (1d). No county may certify
11 a provider under this paragraph if the provider is a relative of all of the children for
12 whom he or she provides care.

13 **SECTION 1334.** 48.651 (1) (b) of the statutes is amended to read:

14 48.651 (1) (b) Level II certified family day care providers, as established by the
15 department of workforce development, under s. 49.155 (1d).

16 **SECTION 1335.** 48.651 (2m) of the statutes is amended to read:

17 48.651 (2m) Each county department shall provide the department of health
18 and family services with information about each person who is denied certification
19 for a reason specified in s. 48.685 (4m) (a) 1. to 5.

20 **SECTION 1336.** 48.658 of the statutes is created to read:

21 **48.658 Child care quality rating system.** The department of workforce
22 development shall provide a child care quality rating system that rates the quality
23 of the child care provided by a child care provider licensed under s. 48.65 that receives
24 reimbursement under s. 49.155 for the child care provided or that volunteers for
25 rating under this section. The department of workforce development shall make the

1 rating information provided under that system available to the parents, guardians,
2 and legal custodians of children who are recipients, or prospective recipients, of care
3 and supervision from a child care provider that is rated under this section, including
4 making that information available on the department of workforce development's
5 Internet site.

6 **SECTION 1337.** 48.658 of the statutes, as created by 2007 Wisconsin Act ... (this
7 act), is amended to read:

8 **48.658 Child care quality rating system.** The department of workforce
9 development shall provide a child care quality rating system that rates the quality
10 of the child care provided by a child care provider licensed under s. 48.65 that receives
11 reimbursement under s. 49.155 for the child care provided or that volunteers for
12 rating under this section. The department of workforce development shall make the
13 rating information provided under that system available to the parents, guardians,
14 and legal custodians of children who are recipients, or prospective recipients, of care
15 and supervision from a child care provider that is rated under this section, including
16 making that information available on the department of workforce development's
17 department's Internet site.

18 **SECTION 1338.** 48.66 (1) (a) of the statutes is amended to read:

19 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall
20 license and supervise child welfare agencies, as required by s. 48.60, group homes,
21 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care
22 centers, as required by s. 48.65. The department may license foster homes or
23 treatment foster homes, as provided by s. 48.62, and may license and supervise
24 county departments in accordance with the procedures specified in this section and
25 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the

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1 records and visit the premises of all child welfare agencies, group homes, shelter care
2 facilities, and day care centers and visit the premises of all foster homes and
3 treatment foster homes in which children are placed.

4 **SECTION 1339.** 48.66 (2m) (a) 1. of the statutes is amended to read:

5 48.66 (2m) (a) 1. Except as provided in subd. 2., the department of ~~health and~~
6 ~~family services~~ shall require each applicant for a license under sub. (1) (a) to operate
7 a child welfare agency, group home, shelter care facility, or day care center who is an
8 individual to provide that department with the applicant's social security number,
9 and shall require each applicant for a license under sub. (1) (a) to operate a child
10 welfare agency, group home, shelter care facility, or day care center who is not an
11 individual to provide that department with the applicant's federal employer
12 identification number, when initially applying for or applying to continue the license.

13 **SECTION 1340.** 48.66 (2m) (a) 2. of the statutes is amended to read:

14 48.66 (2m) (a) 2. If an applicant who is an individual does not have a social
15 security number, the applicant shall submit a statement made or subscribed under
16 oath or affirmation to the department of ~~health and family services~~ that the
17 applicant does not have a social security number. The form of the statement shall
18 be prescribed by the department of ~~workforce development~~. A license issued in
19 reliance upon a false statement submitted under this subdivision is invalid.

20 **SECTION 1341.** 48.66 (2m) (am) 2. of the statutes is amended to read:

21 48.66 (2m) (am) 2. If an applicant who is an individual does not have a social
22 security number, the applicant shall submit a statement made or subscribed under
23 oath or affirmation to the department of corrections that the applicant does not have
24 a social security number. The form of the statement shall be prescribed by the

1 department of workforce development. A license issued in reliance upon a false
2 statement submitted under this subdivision is invalid.

3 **SECTION 1342.** 48.66 (2m) (b) of the statutes is amended to read:

4 48.66 (2m) (b) If an applicant who is an individual fails to provide the
5 applicant's social security number to the department of health and family services
6 or if an applicant who is not an individual fails to provide the applicant's federal
7 employer identification number to ~~that~~ the department, that department may not
8 issue or continue a license under sub. (1) (a) to operate a child welfare agency, group
9 home, shelter care facility, or day care center to or for the applicant unless the
10 applicant is an individual who does not have a social security number and the
11 applicant submits a statement made or subscribed under oath or affirmation as
12 required under par. (a) 2.

13 **SECTION 1343.** 48.66 (2m) (c) of the statutes is amended to read:

14 48.66 (2m) (c) The subunit of the department of health and family services that
15 obtains a social security number or a federal employer identification number under
16 par. (a) 1. may not disclose any that information obtained under par. (a) 1. to any
17 person except to the department of revenue for the sole purpose of requesting
18 certifications under s. 73.0301 or on the request of the subunit of the department of
19 workforce development that administers the child and spousal support program
20 under s. 49.22 (2m).

21 **SECTION 1344.** 48.66 (2m) (cm) of the statutes is amended to read:

22 48.66 (2m) (cm) The department of corrections may not disclose any
23 information obtained under par. (am) 1. to any person except on the request of the
24 department of workforce development under s. 49.22 (2m).

25 **SECTION 1345.** 48.675 (3) (intro.) of the statutes is amended to read:

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1 48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from
2 the appropriation under s. ~~20.435-(6)~~ 20.437 (1) (a) to enable foster parents and
3 treatment foster parents to attend education programs approved under sub. (2) and
4 shall promulgate rules concerning disbursement of the funds. Moneys disbursed
5 under this subsection may be used for the following purposes:

6 **SECTION 1346.** 48.685 (1) (bg) of the statutes is repealed.

7 **SECTION 1347.** 48.685 (1) (d) of the statutes is repealed.

8 **SECTION 1348.** 48.685 (2) (am) 5. of the statutes is amended to read:

9 48.685 (2) (am) 5. Information maintained by the department of health and
10 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13
11 (14) regarding any denial to the person of a license, continuation or renewal of a
12 license, certification, or a contract to operate an entity for a reason specified in sub.
13 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
14 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
15 5. If the information obtained under this subdivision indicates that the person has
16 been denied a license, continuation or renewal of a license, certification, a contract,
17 employment, or permission to reside as described in this subdivision, the
18 department, a county department, a child welfare agency or a school board need not
19 obtain the information specified in subds. 1. to 4.

20 **SECTION 1349.** 48.685 (2) (b) 1. (intro.) of the statutes is amended to read:

21 48.685 (2) (b) 1. (intro.) Every entity shall obtain all of the following with
22 respect to a caregiver specified in sub. (1) (ag) 1. a. of the entity:

23 **SECTION 1350.** 48.685 (2) (b) 1. e. of the statutes is amended to read:

24 48.685 (2) (b) 1. e. Information maintained by the department of health and
25 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13

1 (14) regarding any denial to the person of a license, continuation or renewal of a
2 license, certification, or a contract to operate an entity for a reason specified in sub.
3 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
4 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
5 5. If the information obtained under this subd. 1. e. indicates that the person has
6 been denied a license, continuation or renewal of a license, certification, a contract,
7 employment, or permission to reside as described in this subd. 1. e., the entity need
8 not obtain the information specified in subd. 1. a. to d.

9 **SECTION 1351.** 48.685 (2) (c) of the statutes is created to read:

10 48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)
11 is seeking an initial license to operate a foster home or treatment foster home or is
12 seeking relicensure after a break in licensure, the department, county department,
13 or child welfare agency shall request under 42 USC 16962 (b) a fingerprint-based
14 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
15 (A). The department, county department, or child welfare agency may release any
16 information obtained under this subdivision only as permitted under 42 USC 16962
17 (e).
18 2. If the person who is the subject of the search under par. (am) is seeking a
19 license to operate a foster home or treatment foster home or is an adult nonclient
20 resident of the foster home or treatment foster home and if the person is not, or at
21 any time within the 5 years preceding the date of the search has not been, a resident
22 of this state, the department, county department, or child welfare agency shall check
23 any child abuse or neglect registry maintained by any state or other U.S. jurisdiction
24 in which the person is a resident or was a resident within those 5 years for
25 information that is equivalent to the information specified in par. (am) 4. The

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1 department, county department, or child welfare agency may not use any
2 information obtained under this subdivision for any purpose other than a search of
3 the person's background under par. (am).

4 **SECTION 1352.** 48.685 (3) (a) of the statutes is amended to read:

5 48.685 (3) (a) Every 4 years or at any time within that period that the
6 department, a county department, a child welfare agency, or a school board considers
7 appropriate, the department, county department, child welfare agency, or school
8 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
9 caregivers specified in sub. (1) (ag) 1. b. who are licensed, certified, or contracted to
10 operate an entity, for all persons who are nonclient residents of an entity such a
11 caregiver, and for all persons under 18 years of age, but not under 12 years of age,
12 who are caregivers of a day care center that is licensed under s. 48.65 or established
13 or contracted for under s. 120.13 (4) or of a day care provider that is certified under
14 s. 48.651.

15 **SECTION 1353.** 48.685 (3) (b) of the statutes is amended to read:

16 48.685 (3) (b) Every 4 years or at any time within that period that an entity
17 considers appropriate, the entity shall request the information specified in sub. (2)
18 (b) 1. a. to e. for all persons who are caregivers specified in sub. (1) (ag) 1. a. of the
19 entity other than persons under 18 years of age, but not under 12 years of age, who
20 are caregivers of a day care center that is licensed under s. 48.65 or established or
21 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.
22 48.651.

23 **SECTION 1354.** 48.685 (4m) (b) (intro.) of the statutes is amended to read:

24 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
25 sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)

1 (ag) 1. a. or permit a nonclient resident to reside at the entity if the entity knows or
2 should have known any of the following:

3 SECTION 1355. 48.685 (5) (a) of the statutes is amended to read:

4 48.685 (5) (a) The Subject to par. (bm), the department may license to operate
5 an entity, a county department may certify under s. 48.651, a county department or
6 a child welfare agency may license under s. 48.62 and a school board may contract
7 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or
8 contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may
9 employ, contract with, or permit to reside at the entity a person who otherwise may
10 not be employed, contracted with, or permitted to reside at the entity for a reason
11 specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the
12 county department, the child welfare agency, or the school board or, in the case of an
13 entity that is located within the boundaries of a reservation, to the person or body
14 designated by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and
15 in accordance with procedures established by the department by rule or by the tribe
16 that he or she has been rehabilitated.

17 SECTION 1356. 48.685 (5) (bm) (intro.) of the statutes is amended to read:

18 48.685 (5) (bm) (intro.) For purposes of licensing a foster home or treatment
19 foster home for the placement of a child on whose behalf foster care maintenance
20 payments under s. 48.62 (4) will be provided, no person who has been convicted of
21 any of the following offenses may be permitted to demonstrate that he or she has been
22 rehabilitated:

23 SECTION 1357. 48.685 (5c) (a) of the statutes is amended to read:

24 48.685 (5c) (a) Any person who is permitted but fails under sub. (5) (a) to
25 demonstrate to the department or a child welfare agency that he or she has been

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1 rehabilitated may appeal to the secretary of health and family services or his or her
2 designee. Any person who is adversely affected by a decision of the secretary or his
3 or her designee under this paragraph has a right to a contested case hearing under
4 ch. 227.

5 **SECTION 1358.** 48.685 (8) of the statutes is amended to read:

6 48.685 (8) The department, the department of health and family services, a
7 county department, a child welfare agency, or a school board may charge a fee for
8 obtaining the information required under sub. (2) (am) or (3) (a) or for providing
9 information to an entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b).
10 The fee may not exceed the reasonable cost of obtaining the information. No fee may
11 be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or
12 maintaining information if to do so would be inconsistent with federal law.

13 **SECTION 1359.** 48.715 (6) of the statutes is amended to read:

14 48.715 (6) The department of health and family services shall deny, suspend,
15 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
16 probationary license under s. 48.69 to operate a child welfare agency, group home,
17 shelter care facility, or day care center, and the department of corrections shall deny,
18 suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1)
19 (b) to operate a secured residential care center for children and youth, for failure of
20 the applicant or licensee to pay court-ordered payments of child or family support,
21 maintenance, birth expenses, medical expenses, or other expenses related to the
22 support of a child or former spouse or for failure of the applicant or licensee to comply,
23 after appropriate notice, with a subpoena or warrant issued by the department of
24 ~~workforce development~~ or a county child support agency under s. 59.53 (5) and
25 related to paternity or child support proceedings, as provided in a memorandum of

1 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action
2 taken under this subsection is subject to review only as provided in the memorandum
3 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

4 **SECTION 1360.** 48.743 of the statutes is created to read:

5 **48.743 Community living arrangements for children. (1)** In this section,
6 “community living arrangement for children” means a residential care center for
7 children and youth or a group home.

8 (2) Community living arrangements for children shall be subject to the same
9 building and housing ordinances, codes, and regulations of the municipality or
10 county as similar residences located in the area in which the facility is located.

11 (3) The department shall designate a subunit to keep records and supply
12 information on community living arrangements for children under ss. 59.69 (15) (f),
13 60.63 (7), and 62.23 (7) (i) 6. The subunit shall be responsible for receiving all
14 complaints regarding community living arrangements for children and for
15 coordinating all necessary investigatory and disciplinary actions under the laws of
16 this state and under the rules of the department relating to the licensing of
17 community living arrangements for children.

18 (4) A community living arrangement for children with a capacity for 8 or fewer
19 persons shall be a permissible use for purposes of any deed covenant which limits use
20 of property to single-family or 2-family residences. A community living
21 arrangement for children with a capacity for 15 or fewer persons shall be a
22 permissible use for purposes of any deed covenant which limits use of property to
23 more than 2-family residences. Covenants in deeds which expressly prohibit use of
24 property for community living arrangements for children are void as against public
25 policy.

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1 (5) If a community living arrangement for children is required to obtain special
2 zoning permission, as defined in s. 59.69 (15) (g), the department shall, at the request
3 of the unit of government responsible for granting the special zoning permission,
4 inspect the proposed facility and review the program proposed for the facility. After
5 such inspection and review, the department shall transmit to the unit of government
6 responsible for granting the special zoning permission a statement that the proposed
7 facility and its proposed program have been examined and are either approved or
8 disapproved by the department.

9 **SECTION 1361.** 48.745 (5) of the statutes is amended to read:

10 48.745 (5) If the county department designates the department to receive
11 formal complaints, the subunit under s. ~~46.03 (22) (e)~~ 48.743 (3) shall receive the
12 complaints and the department shall have all the powers and duties granted to the
13 county department in this section.

14 **SECTION 1362.** 48.75 (1g) (c) 1. of the statutes is amended to read:

15 48.75 (1g) (c) 1. A statement that the public licensing agency issuing the license
16 ~~is responsible~~ has placement and care responsibility for the child as required under
17 42 USC 672 (a) (2) and has primary responsibility for providing services to the child
18 who is placed in the foster home, as specified in the agreement.

19 **SECTION 1363.** 48.75 (1m) of the statutes is amended to read:

20 48.75 (1m) Each child welfare agency and public licensing agency shall provide
21 ~~the subunit of the department that administers s. 48.685~~ of health and family
22 services with information about each person who is denied a license for a reason
23 specified in s. 48.685 (4m) (a) 1. to 5.

24 **SECTION 1364.** 48.78 (2) (h) of the statutes is amended to read:

1 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county
2 department, or a licensed child welfare agency from entering the content of any
3 record kept or information received by the department, county department, or
4 licensed child welfare agency into the statewide automated child welfare
5 information system established under s. 46.03 ~~48.47~~ (7g).

6 **SECTION 1365.** 48.839 (1) (d) of the statutes is amended to read:

7 48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county
8 department or child welfare agency before the child is adopted, the department shall
9 periodically bill the guardian and the surety under s. 46.03 (18) (b) or 46.10 ~~49.32~~ (1)
10 ~~(b) or 49.345~~ for the cost of care and maintenance of the child until the child is adopted
11 or becomes age 18, whichever is earlier. The guardian and surety shall also be liable
12 under the bond for costs incurred by the department in enforcing the bond against
13 the guardian and surety.

14 **SECTION 1366.** 48.839 (1) (e) of the statutes is amended to read:

15 48.839 (1) (e) This section does not preclude the department or any other
16 agency given custody of a child under sub. (4) (b) from collecting under s. 46.03 (18)
17 ~~(b) or 46.10 49.32~~ (1) (b) or ~~49.345~~ from the former guardian for costs in excess of the
18 amount recovered under the bond incurred in enforcing the bond and providing care
19 and maintenance for the child until he or she reaches age 18 or is adopted.

20 **SECTION 1367.** 48.88 (2) (am) of the statutes is created to read:

21 48.88 (2) (am) 1. If the petitioner was required to obtain an initial license to
22 operate a foster home or treatment foster home before placement of the child for
23 adoption or relicensure after a break in licensure, the agency making the
24 investigation shall obtain a criminal history search from the records maintained by
25 the department of justice and request under 42 USC 16962 (b) a fingerprint-based

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1 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
2 (A), with respect to the petitioner. The agency may release any information obtained
3 under this subdivision only as permitted under 42 USC 16962 (e). In the case of a
4 child on whose behalf adoption assistance payments will be provided under s. 48.975,
5 if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm)
6 1. to 4., the agency may not report that the petitioner's home is suitable for the child.
7 2. If the petitioner was required to obtain a license to operate a foster home or
8 treatment foster home before placement of the child for adoption, the agency making
9 the investigation shall obtain information maintained by the department regarding
10 any substantiated reports of child abuse or neglect against the petitioner and any
11 other adult residing in the petitioner's home. If the petitioner or other adult residing
12 in the petitioner's home is not, or at any time within the 5 years preceding the date
13 of the search has not been, a resident of this state, the agency shall check any child
14 abuse or neglect registry maintained by any state or other U.S. jurisdiction in which
15 the petitioner or other adult is a resident or was a resident within those 5 years for
16 information that is equivalent to the information maintained by the department
17 regarding substantiated reports of child abuse or neglect. The agency may not use
18 any information obtained under this subdivision for any purpose other than a
19 background search under this subdivision.

20 **SECTION 1368.** 48.93 (1d) of the statutes is amended to read:

21 48.93 (1d) All records and papers pertaining to an adoption proceeding shall
22 be kept in a separate locked file and may not be disclosed except under sub. (1g) or
23 (1r), s. 46.03 (29), 48.432, 48.433, 48.434, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order
24 of the court for good cause shown.

25 **SECTION 1369.** 48.98 (2) (d) of the statutes is amended to read:

1 48.98 (2) (d) The department shall periodically bill the person who filed the
2 bond and the surety under s. 46.03 (18) (b) or 46.10 49.32 (1) (b) or 49.345 for the cost
3 of care and maintenance of the child until the child is adopted or becomes age 18,
4 whichever is earlier. The guardian and surety shall also be liable under the bond for
5 costs incurred by the department in enforcing the bond.

6 **SECTION 1370.** 48.981 (3) (c) 8. of the statutes is amended to read:

7 48.981 (3) (c) 8. Using the format prescribed by the department, each county
8 department shall provide the department with information about each report that
9 the county department receives or that is received by a licensed child welfare agency
10 that is under contract with the county department and about each investigation that
11 the county department or a licensed child welfare agency under contract with the
12 county department conducts. Using the format prescribed by the department, a
13 licensed child welfare agency under contract with the department shall provide the
14 department with information about each report that the child welfare agency
15 receives and about each investigation that the child welfare agency conducts. ~~This~~
16 ~~information shall be used by the~~ The department shall use the information to
17 monitor services provided by county departments or licensed child welfare agencies
18 under contract with county departments or the department. The department shall
19 use nonidentifying information to maintain statewide statistics on child abuse and
20 neglect and on unborn child abuse, and for planning and policy development
21 purposes.

22 **SECTION 1371.** 48.981 (7) (dm) of the statutes is amended to read:

23 48.981 (7) (dm) Notwithstanding par. (a), an agency may enter the content of
24 any report or record maintained by the agency into the statewide automated child
25 welfare information system established under s. 46.03 48.47 (7g).

1 **SECTION 1372.** 48.981 (8) (a) of the statutes is amended to read:

2 48.981 (8) (a) The department, the county departments, and a licensed child
3 welfare agency under contract with the department in a county having a population
4 of 500,000 or more to the extent feasible shall conduct continuing education and
5 training programs for staff of the department, the county departments, licensed
6 child welfare agencies under contract with the department or a county department,
7 law enforcement agencies, and the tribal social services departments, persons and
8 officials required to report, the general public, and others as appropriate. The
9 programs shall be designed to encourage reporting of child abuse and neglect and of
10 unborn child abuse, to encourage self-reporting and voluntary acceptance of services
11 and to improve communication, cooperation, and coordination in the identification,
12 prevention, and treatment of child abuse and neglect and of unborn child abuse.
13 Programs provided for staff of the department, county departments, and licensed
14 child welfare agencies under contract with county departments or the department
15 whose responsibilities include the investigation or treatment of child abuse or
16 neglect shall also be designed to provide information on means of recognizing and
17 appropriately responding to domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a). The
18 department, the county departments, and a licensed child welfare agency under
19 contract with the department in a county having a population of 500,000 or more
20 shall develop public information programs about child abuse and neglect and about
21 unborn child abuse.

22 **SECTION 1373.** 48.981 (8) (d) 1. of the statutes is amended to read:

23 48.981 (8) (d) 1. Each agency staff member and supervisor whose
24 responsibilities include investigation or treatment of child abuse and neglect or of
25 unborn child abuse shall successfully complete training in child abuse and neglect

1 protective services and in unborn child abuse protective services approved by the
2 department. The training shall include information on means of recognizing and
3 appropriately responding to domestic abuse, as defined in s. 46.95 ~~49.165~~ (1) (a). The
4 department shall monitor compliance with this subdivision according to rules
5 promulgated by the department.

6 **SECTION 1374.** 48.982 (2) (g) (intro.) of the statutes is amended to read:

7 48.982 (2) (g) (intro.) In coordination with the departments of health and family
8 services and department and the department of public instruction:

9 **SECTION 1375.** 48.982 (2e) (c) of the statutes is repealed.

10 **SECTION 1376.** 48.983 (1) (i) of the statutes, as affected by 2007 Wisconsin Act
11 (this act), is repealed.

12 **SECTION 1377.** 48.983 (1) (j) of the statutes, as affected by 2007 Wisconsin Act
13 (this act), is repealed.

14 **SECTION 1378.** 48.983 (2) of the statutes, as affected by 2007 Wisconsin Act
15 (this act), is amended to read:

16 48.983 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected
17 by the department under sub. (5) to participate in the program under this section,
18 the department shall award, from the appropriation under s. 20.437 (2) (ab), a grant
19 annually to be used only for the purposes specified in sub. (4) (a) and (am). The
20 minimum amount of a grant is \$10,000. The department shall determine the amount
21 of a grant awarded to a county, ~~other than a county with a population of 500,000 or~~
22 ~~more,~~ or Indian tribe in excess of the minimum amount based on the number of births
23 that are funded by medical assistance under subch. IV of ch. 49 in that county or the
24 reservation of that Indian tribe in proportion to the number of births that are funded
25 by medical assistance under subch. IV of ch. 49 in all of the counties and the

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1 ~~reservations of all of the Indian tribes to which grants are awarded under this~~
2 ~~section. The department shall determine the amount of a grant awarded to a county~~
3 ~~with a population of 500,000 or more in excess of the minimum amount based on 60%~~
4 ~~of the number of births that are funded by medical assistance under subch. IV of ch.~~
5 ~~49 in that county in proportion to the number of births that are funded by medical~~
6 ~~assistance under subch. IV of ch. 49 in all of the counties and the reservations of all~~
7 ~~of the Indian tribes to which grants are awarded under this section.~~

8 **SECTION 1379.** 48.983 (3) (title) of the statutes, as affected by 2007 Wisconsin
9 Act (this act), is repealed.

10 **SECTION 1380.** 48.983 (3) (a) of the statutes, as affected by 2007 Wisconsin Act
11 (this act), is repealed.

12 **SECTION 1381.** 48.983 (3) (b) of the statutes, as affected by 2007 Wisconsin Act
13 (this act), is renumbered 48.983 (3) and amended to read:

14 **48.983 (3) JOINT APPLICATION PERMITTED.** Two or more counties and Indian tribes
15 may submit a joint application to the department. Each county or Indian tribe in a
16 joint application shall be counted as a separate county or Indian tribe for the purpose
17 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~
18 ~~biennium.~~

19 **SECTION 1382.** 48.984 of the statutes is created to read:

20 **48.984 Universal home visitation services. (1) DEFINITIONS.** In this
21 section:

22 (a) "County department" means a county department of human services or
23 social services under s. 46.215, 46.22, or 46.23.

24 (b) "Indian tribe" means a federally recognized American Indian tribe or band
25 in this state.

1 (c) "Local health department" has the meaning given in s. 250.01 (4).

2 (d) "Local partnership" means any combination of 2 or more county
3 departments, local health departments, Indian tribes, and private nonprofit
4 agencies that have agreed to implement jointly a program of universal home
5 visitation services under this section.

6 (e) "Organization" means a county department, local health department,
7 Indian tribe, private nonprofit agency, or local partnership.

8 (f) "Private nonprofit agency" means a nonstock corporation organized under
9 ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

10 **(2) AWARDING OF GRANTS.** From the appropriation account under s. 20.437 (2)
11 (ab), the department shall award grants to applying organizations for the provision
12 of the home visitation services specified in sub. (3) (a). The department shall
13 determine the amount of a grant awarded to an organization based on the number
14 of first-time births in the community served by the organization. The department
15 shall provide competitive application procedures for selecting organizations to
16 receive grants under this subsection and shall establish a method for ranking
17 applicants based on the quality of their applications. The department shall require
18 a grant recipient to provide matching funds or in-kind contributions as determined
19 by the department and shall ensure that a grant recipient does not use any grant
20 moneys awarded to supplant any other moneys used by the grant recipient at the
21 time of the awarding of the grant to provide home visitation services.

22 **(3) PURPOSES OF GRANTS.** (a) *Universal home visitation services.* An
23 organization that receives a grant under sub. (2) shall use the grant moneys awarded
24 to provide a one-time visit to all first-time parents in the community served by the
25 organization for the purposes of providing those parents with basic information

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1 regarding infant health and nutrition, the care, safety, and development of infants,
2 and emergency services for infants and with the information relating to shaken baby
3 syndrome and impacted babies required under s. 253.15 (6); identifying the needs of
4 those parents; and providing those parents with referrals to programs, services, and
5 other resources that may meet those needs. An organization may visit a first-time
6 parent only if the parent or, if the parent is a child, his or her parent, guardian, or
7 legal custodian consents to the visit. No person who is required or permitted to report
8 suspected or threatened abuse or neglect under s. 48.981 (2) may make or threaten
9 to make such a report based on a refusal of a person to receive a home visit under this
10 paragraph.

11 (b) *Start-up costs and capacity building.* In the first year in which a grant
12 under sub. (2) is awarded to an organization, the organization may use a portion of
13 the grant to pay for start-up costs and capacity building related to the provision of
14 home visitation services by the organization. The department shall determine the
15 maximum amount of a grant that an organization may use to pay for those start-up
16 costs and that capacity building.

17 (4) CONFIDENTIALITY. (a) *Nondisclosure of information; exceptions.* No person
18 may use or disclose any information concerning an individual who is offered home
19 visitation services under sub. (3) (a), including an individual who declines to receive
20 those services, or concerning an individual who is provided with a referral under sub.
21 (3) (a), including an individual who declines the referral, unless disclosure of the
22 information is required or permitted under s. 48.981 (2), the use or disclosure of the
23 information is connected to the administration of the program under this section, or
24 the individual has given his or her written informed consent to the use or disclosure
25 of the information.