SECTION 134. 48.64 (1) of the statutes is amended to read:

48.64 **(1)** DEFINITION. In this section, "agency" means the department, the department of corrections, a county department, or a licensed child welfare agency authorized to place children in foster homes~~, treatment foster homes,~~ or group homes.

SECTION 135. 48.64 (1m) of the statutes is amended to read:

48.64 **(1m)** FOSTER HOME~~, TREATMENT FOSTER HOME~~ AND GROUP HOME AGREEMENTS. If an agency places a child in a foster home~~, treatment foster home~~ or group home under a court order or voluntary agreement under s. 48.63, the agency shall enter into a written agreement with the head of the home. The agreement shall provide that the agency shall have access at all times to the child and the home, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require ~~it~~ release to the agency. If a child has been in a foster home~~, treatment foster home~~ or group home for 6 months or more, the agency shall give the head of the home written notice of intent to remove the child, stating the reasons for the removal. The child may not be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the receipt of the notice, whichever is later, unless the safety of the child requires it or, in a case in which the reason for removal is to place the child for adoption under s. 48.833, unless all of the persons who have the right to request a hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the safety of the child requires earlier removal, s. 48.19 shall apply. If an agency removes a child from an adoptive placement, the head of the home shall have no claim against the placing agency for the expense of care, clothing, or medical treatment.

SECTION 136. 48.64 (1r) of the statutes is amended to read:

48.64 **(1r)** NOTIFICATION OF SCHOOL DISTRICT. When an agency places a school-age child in a foster home~~, a treatment foster home~~ or a group home, the agency shall notify the clerk of the school district in which the foster home~~, treatment foster home~~ or group home is located that a school-age child has been placed in a foster home~~, treatment foster home~~ or group home in the school district.

SECTION 137. 48.64 (2) of the statutes is amended to read:

48.64 **(2)** SUPERVISION OF FOSTER HOME~~, TREATMENT FOSTER HOME~~ AND GROUP HOME PLACEMENTS. Every child in a foster home~~, treatment foster home~~ or group home shall be under the supervision of an agency.

SECTION 138. 48.64 (4) (a) of the statutes is amended to read:

48.64 **(4)** (a) Any decision or order issued by an agency that affects the head of a foster~~, treatment foster~~ or group home or the children involved may be appealed to the department under fair hearing procedures established under department rules. The department shall, upon receipt of an appeal, give the head of the home reasonable notice and opportunity for a fair hearing. The department may make ~~such~~ any additional investigation ~~as~~ that the department considers necessary. The department shall give notice of the hearing to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this subsection, the head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and

to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses. The department shall grant a continuance for a reasonable period of time when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department. The department shall make the record available at any reasonable time and at an accessible place to the head of the home or his or her representative. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in an agency action being appealed may participate in the final administrative decision on that action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

SECTION 139. 48.64 (4) (c) of the statutes is amended to read:

48.64 **(4)** (c) The circuit court for the county where the dispositional order placing a child in a foster home~~, treatment foster home,~~ or group home was entered or the voluntary agreement under s. 48.63 so placing a child was made has jurisdiction upon petition of any interested party over a child who is placed in a foster home~~, treatment foster home,~~ or group home. The circuit court may call a hearing, at which the head of the home and the supervising agency under sub. (2) shall be

present, for the purpose of reviewing any decision or order of that agency involving the placement and care of the child. If the child has been placed in a foster home, the foster parent may present relevant evidence at the hearing. The petitioner has the burden of proving by clear and convincing evidence that the decision or order issued by the agency is not in the best interests of the child.

SECTION 140. 48.645 (1) (a) of the statutes is amended to read:

48.645 **(1)** (a) The child is living in a foster home ~~or treatment foster home~~ licensed under s. 48.62 if a license is required under that section, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, in a subsidized guardianship home under s. 48.62 (5), or in a residential care center for children and youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment foster home,~~ group home, subsidized guardianship home, or center by a county department under s. 46.215, 46.22, or 46.23, by the department, or by a federally recognized American Indian tribal governing body in this state under an agreement with a county department under s. 46.215, 46.22, or 46.23.

SECTION 141. 48.645 (2) (a) 1. of the statutes is amended to read:

48.645 **(2)** (a) 1. A nonrelative who cares for the dependent child in a foster home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, or in a group home licensed under s. 48.625~~,~~; a subsidized guardian or interim caretaker under s. 48.62 (5) who cares for the dependent child~~,~~; or a minor custodial parent who cares for the dependent child~~,~~; regardless of the

cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1) (d) for aid granted under this section except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 142. 48.645 (2) (a) 3. of the statutes is amended to read:

48.645 **(2)** (a) 3. A county or, in a county having a population of 500,000 or more, the department, when the child is placed in a licensed foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in a subsidized guardianship home by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or if the child was removed from the home of a relative as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made under an agreement with the county department or the department.

SECTION 143. 48.645 (2) (a) 4. of the statutes is amended to read:

48.645 **(2)** (a) 4. A licensed foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or a subsidized guardianship home when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body, or when the child

was part of the state's direct service case load and was removed from the home of a relative as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department.

SECTION 144. 48.645 (2) (b) of the statutes is amended to read:

48.645 **(2)** (b) Notwithstanding par. (a), aid under this section may not be granted for placement of a child in a foster home ~~or treatment foster home~~ licensed by a federally recognized American Indian tribal governing body, for placement of a child in a foster home, ~~treatment foster home,~~ group home, subsidized guardianship home, or residential care center for children and youth by a tribal governing body or its designee, or for the placement of a child who is a ward of a tribal court if the tribal governing body is receiving or is eligible to receive funds from the federal government for that type of placement.

SECTION 145. Subchapter XVI (title) of chapter 48 [precedes 48.66] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XVI

LICENSING PROCEDURES AND REQUIREMENTS FOR CHILD WELFARE AGENCIES, FOSTER HOMES, ~~TREATMENT FOSTER HOMES,~~ GROUP HOMES, DAY CARE CENTERS, AND COUNTY DEPARTMENTS

SECTION 146. 48.66 (1) (a) of the statutes is amended to read:

48.66 **(1)** (a) Except as provided in s. 48.715 (6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care centers, as required by s. 48.65. The department may license foster homes ~~or~~

~~treatment foster homes~~, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and day care centers and visit the premises of all foster homes ~~and~~ ~~treatment foster homes~~ in which children are placed.

SECTION 147. 48.66 (1) (c) of the statutes is amended to read:

48.66 **(1)** (c) A license issued under par. (a) or (b), other than a license to operate a foster home~~, treatment foster home,~~ or secured residential care center for children and youth, is valid until revoked or suspended. A license issued under this subsection to operate a foster home~~, treatment foster home,~~ or secured residential care center for children and youth may be for any term not to exceed 2 years from the date of issuance. No license issued under par. (a) or (b) is transferable.

SECTION 148. 48.67 (intro.) of the statutes is amended to read:

48.67 Rules governing child welfare agencies, day care centers, foster homes, ~~treatment foster homes,~~ group homes, shelter care facilities, and county departments. (intro.) The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day care centers, foster homes, ~~treatment foster homes,~~ group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of commerce, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. For foster homes,

those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall include rules that require all of the following:

SECTION 149. 48.675 (1) of the statutes is amended to read:

48.675 **(1)** DEVELOPMENT OF PROGRAM. The department shall develop a foster care education program to provide specialized training for persons operating family foster homes ~~or treatment foster homes~~. Participation in the program shall be voluntary and shall be limited to persons operating foster homes ~~or treatment foster homes~~ licensed under s. 48.62 and caring for children with special treatment needs.

SECTION 150. 48.675 (2) of the statutes is amended to read:

48.675 **(2)** APPROVAL OF PROGRAMS. The department shall promulgate rules for approval of programs to meet the requirements of this section. ~~Such~~ Those programs may include~~, but need not be limited to:~~ in-service training; workshops and seminars developed by the department or by county departments; seminars and courses offered through public or private education agencies; and workshops, seminars, and courses pertaining to behavioral and developmental disabilities and to the development of mutual support services for foster parents ~~and treatment foster parents~~. The department may approve programs under this subsection only after consideration of relevant factors including level of education, useful or necessary skills, location, and other criteria as determined by the department.

SECTION 151. 48.675 (3) (intro.) of the statutes is amended to read:

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

SECTION 152. 48.675 (3) (a) of the statutes is amended to read:

48.675 **(3)** (a) Care of residents of the foster home ~~or treatment foster home~~ during the time of participation in an education program.

SECTION 153. 48.68 (1) of the statutes is amended to read:

48.68 **(1)** After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67 and meets the requirements specified in s. 48.685, if applicable. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employee of the applicant, that constitutes a substantial failure by the applicant or employee to protect and promote the health, safety, and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.615 (1) (a) or (b), 48.625 (2) (a), 48.65 (3) (a), or 938.22 (7) (b), the department shall issue a license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the ~~age-related~~ monthly foster care rates and supplemental payments specified in s. 48.62 (4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

SECTION 154. 48.685 (1) (b) of the statutes is amended to read:

48.685 **(1)** (b) "Entity" means a child welfare agency that is licensed under s. 48.60 to provide care and maintenance for children, to place children for adoption, or to license foster homes ~~or treatment foster homes~~; a foster home ~~or treatment foster home~~ that is licensed under s. 48.62; a subsidized guardianship home under

s. 48.62 (5); a group home that is licensed under s. 48.625; a shelter care facility that is licensed under s. 938.22; a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14); a day care provider that is certified under s. 48.651; or a temporary employment agency that provides caregivers to another entity.

SECTION 155. 48.685 (2) (c) 1. of the statutes is amended to read:

48.685 **(2)** (c) 1. If the person who is the subject of the search under par. (am) is seeking an initial license to operate a foster home ~~or treatment foster home~~ or is seeking relicensure after a break in licensure, the department, county department, or child welfare agency shall request under 42 USC 16962 (b) a fingerprint-based check of the national crime information databases, as defined in 28 USC 534 (f) (3) (A). The department, county department, or child welfare agency may release any information obtained under this subdivision only as permitted under 42 USC 16962 (e).

SECTION 156. 48.685 (2) (c) 2. of the statutes is amended to read:

48.685 **(2)** (c) 2. If the person who is the subject of the search under par. (am) is seeking a license to operate a foster home ~~or treatment foster home~~ or is an adult nonclient resident of the foster home ~~or treatment foster home~~ and if the person is not, or at any time within the 5 years preceding the date of the search has not been, a resident of this state, the department, county department, or child welfare agency shall check any child abuse or neglect registry maintained by any state or other U.S. jurisdiction in which the person is a resident or was a resident within those 5 years for information that is equivalent to the information specified in par. (am) 4. The department, county department, or child welfare agency may not use any

information obtained under this subdivision for any purpose other than a search of the person's background under par. (am).

SECTION 157. 48.685 (4m) (a) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.685 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, a county department or agency contracted with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home ~~or treatment foster home~~ under s. 48.62, the department or a county department may not provide subsidized guardianship payments to a person under s. 48.62 (5), and a school board may not contract with a person under s. 120.13 (14), if the department, county department, contracted agency, child welfare agency, or school board knows or should have known any of the following:

****NOTE: This is reconciled s. 48.685 (4m) (a) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1389/P2.

SECTION 158. 48.685 (4m) (ad) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.685 **(4m)** (ad) The department, a county department, or a child welfare agency may license a foster home ~~or treatment foster home~~ under s. 48.62, the department or a county department may provide subsidized guardianship payments to a person under s. 48.62 (5), a county department or agency contracted with under s. 48.651 (2) may certify a day care provider under s. 48.651, and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the

information specified in sub. (2) (am) indicating that the person is not ineligible to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

****NOTE: This is reconciled s. 48.685 (4m) (ad). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1389/P2.

SECTION 159. 48.685 (5) (bm) (intro.) of the statutes is amended to read:

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

SECTION 160. 48.685 (5m) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home ~~or treatment foster home~~ under s. 48.62, the department or a county department may refuse to provide subsidized guardianship payments under s. 48.62 (5), and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a day care center, a county department or agency contracted with under s. 48.651 (2) may refuse to certify a day care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14), a day care center that is licensed under s. 48.65 or established or contracted for under

s. 120.13 (14), and a day care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the day care center or day care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, day care center, or day care provider, substantially related to the care of a client.

****NOTE: This is reconciled s. 48.685 (5m). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1389/P2.

SECTION 161. 48.685 (6) (a) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.685 **(6)** (a) The department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, a county department or agency contracted with under s. 48.651 (2) shall require any day care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home ~~or treatment foster home~~ under s. 48.62, the department or a county department shall require any person who applies for subsidized guardianship payments under s. 48.62 (5), and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

****NOTE: This is reconciled s. 48.685 (6) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1389/P2.

SECTION 162. 48.70 (2) of the statutes is amended to read:

48.70 **(2)** SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. A license to a child welfare agency shall also specify the kind of child welfare work the agency is authorized to undertake, whether the agency may accept guardianship of children, whether the agency may place children in foster homes ~~or treatment foster homes~~, and if so, the area the agency is equipped to serve.

SECTION 163. 48.73 of the statutes is amended to read:

48.73 Inspection of licensees. The department may visit and inspect each child welfare agency, foster home, ~~treatment foster home,~~ group home, and day care center licensed by ~~it~~ the department, and for ~~such~~ that purpose shall be given unrestricted access to the premises described in the license.

SECTION 164. 48.75 (title) of the statutes is amended to read:

48.75 (title) **Foster homes ~~and treatment foster homes~~ licensed by public licensing agencies and by child welfare agencies.**

SECTION 165. 48.75 (1d) of the statutes is amended to read:

48.75 **(1d)** Child welfare agencies, if licensed to do so by the department, and public licensing agencies may license foster homes ~~and treatment foster homes~~ under the rules promulgated by the department under s. 48.67 governing the licensing of foster homes ~~and treatment foster homes~~. A foster home ~~or treatment foster home~~ license shall be issued for a term not to exceed 2 years from the date of issuance, is not transferable, and may be revoked by the child welfare agency or by the public licensing agency because the licensee has substantially and intentionally violated any provision of this chapter or of the rules of the department promulgated ~~pursuant to~~ under s. 48.67 or because the licensee fails to meet the minimum requirements for a license. The licensee shall be given written notice of any revocation and the grounds ~~therefor~~ for the revocation.

SECTION 166. 48.75 (1r) of the statutes is amended to read:

48.75 **(1r)** At the time of initial licensure and license renewal, the child welfare agency or public licensing agency issuing a license under sub. (1d) or (1g) shall provide the licensee with written information relating to the ~~age-related~~ monthly foster care rates and supplemental payments specified in s. 48.62 (4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

SECTION 167. 48.75 (2) of the statutes is amended to read:

48.75 **(2)** Any foster home ~~or treatment foster home~~ applicant or licensee of a public licensing agency or a child welfare agency may, if aggrieved by the failure to issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

SECTION 168. 48.833 (1) of the statutes is amended to read:

48.833 **(1)** PLACEMENT BY DEPARTMENT OR COUNTY DEPARTMENT. The department or a county department under s. 48.57 (1) (e) or (hm) may place a child for adoption in a licensed foster home ~~or a licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the department or county department is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child and if the proposed adoptive parents have completed the preadoption preparation required under s. 48.84 (1) or the department or county department determines that the proposed adoptive parents are not required to complete that preparation. When a child is placed under this subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption, the department or county department making the placement shall enter into a written agreement with the proposed adoptive parent, which shall state the date on which the child is placed

in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the proposed adoptive parent.

SECTION 169. 48.833 (2) of the statutes is amended to read:

48.833 **(2)** PLACEMENT BY CHILD WELFARE AGENCY. A child welfare agency licensed under s. 48.60 may place a child for adoption in a licensed foster home ~~or a licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the child welfare agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child and if the proposed adoptive parents have completed the preadoption preparation required under s. 48.84 (1) or the child welfare agency determines that the proposed adoptive parents are not required to complete that preparation. When a child is placed under this subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption, the child welfare agency making the placement shall enter into a written agreement with the proposed adoptive parent, which shall state the date on which the child is placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the proposed adoptive parent.

SECTION 170. 48.837 (1) of the statutes is amended to read:

48.837 **(1)** IN-STATE ADOPTIVE PLACEMENT. When the proposed adoptive parent or parents of a child reside in this state and are not relatives of the child, a parent having custody of a child and the proposed adoptive parent or parents of the child may petition the court for placement of the child for adoption in the home of the proposed adoptive parent or parents if the home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

SECTION 171. 48.837 (1r) (b) of the statutes is amended to read:

48.837 **(1r)** (b) The department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.60 may place a child under par. (a) in the home of a proposed adoptive parent or parents who reside in this state if that home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

SECTION 172. 48.88 (2) (am) 1. of the statutes is amended to read:

48.88 **(2)** (am) 1. If the petitioner was required to obtain an initial license to operate a foster home ~~or treatment foster home~~ before placement of the child for adoption or relicensure after a break in licensure, the agency making the investigation shall obtain a criminal history search from the records maintained by the department of justice and request under 42 USC 16962 (b) a fingerprint-based check of the national crime information databases, as defined in 28 USC 534 (f) (3) (A), with respect to the petitioner. The agency may release any information obtained under this subdivision only as permitted under 42 USC 16962 (e). In the case of a child on whose behalf adoption assistance payments will be provided under s. 48.975, if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm) 1. to 4., the agency may not report that the petitioner's home is suitable for the child.

SECTION 173. 48.88 (2) (am) 2. of the statutes is amended to read:

48.88 **(2)** (am) 2. If the petitioner was required to obtain a license to operate a foster home ~~or treatment foster home~~ before placement of the child for adoption, the agency making the investigation shall obtain information maintained by the department regarding any substantiated reports of child abuse or neglect against the petitioner and any other adult residing in the petitioner's home. If the petitioner or other adult residing in the petitioner's home is not, or at any time within the 5 years preceding the date of the search has not been, a resident of this state, the agency shall check any child abuse or neglect registry maintained by any state or other U.S.

jurisdiction in which the petitioner or other adult is a resident or was a resident within those 5 years for information that is equivalent to the information maintained by the department regarding substantiated reports of child abuse or neglect. The agency may not use any information obtained under this subdivision for any purpose other than a background search under this subdivision.

SECTION 174. 48.975 (3) (a) 1. of the statutes is amended to read:

48.975 **(3)** (a) 1. Except as provided in subd. 3., for support of a child who was in foster care~~, treatment foster care,~~ or subsidized guardianship care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the amount of that child's foster care~~, treatment foster care,~~ or subsidized guardianship care payment at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

SECTION 175. 48.975 (3) (a) 2. of the statutes is amended to read:

48.975 **(3)** (a) 2. Except as provided in subd. 3., for support of a child not in foster care~~, treatment foster care,~~ or subsidized guardianship care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the uniform foster care rate applicable to the child that is in effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

SECTION 176. 48.98 (1) of the statutes is amended to read:

48.98 **(1)** No person may bring a child into this state or send a child out of this state for the purpose of placing the child in foster care ~~or treatment foster care~~ or for the purpose of adoption without a certificate from the department that the home is suitable for the child.

SECTION 177. 48.98 (2) (a) of the statutes is amended to read:

48.98 **(2)** (a) Any person, except a county department or licensed child welfare agency, who brings a child into this state for the purpose of placing the child in a foster home ~~or treatment foster home~~ shall, before the child's arrival in this state, file with the department a $1,000 noncancelable bond in favor of this state, furnished by a surety company licensed to do business in this state. The condition of the bond shall be that the child will not become dependent on public funds for his or her primary support before the child reaches age 18 or is adopted.

SECTION 178. 48.981 (3) (d) 1. of the statutes is amended to read:

48.981 **(3)** (d) 1. In this paragraph, "agent" includes~~, but is not limited to,~~ a foster parent~~, treatment foster parent~~ or other person given custody of a child or a human services professional employed by a county department under s. 51.42 or 51.437 or by a child welfare agency who is working with a child or an expectant mother of an unborn child under contract with or under the supervision of the department in a county having a population of 500,000 or more or a county department under s. 46.22.

SECTION 179. 48.981 (7) (a) 4. of the statutes is amended to read:

48.981 **(7)** (a) 4. A child's foster parent~~, treatment foster parent~~ or other person having physical custody of the child or a person having physical custody of the expectant mother of an unborn child, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.

SECTION 180. 48.986 (4) of the statutes is amended to read:

48.986 **(4)** A county may use the funds distributed under this section to fund additional foster parents~~, treatment foster parents,~~ and subsidized guardians or

interim caretakers to care for abused and neglected children and to fund additional staff positions to provide services related to child abuse and neglect and to unborn child abuse.

SECTION 181. 49.001 (7) of the statutes is repealed.

SECTION 182. 49.136 (1) (m) of the statutes is amended to read:

49.136 **(1)** (m) "Parent" means a parent, guardian, foster parent, ~~treatment foster parent,~~ legal custodian, or a person acting in the place of a parent.

SECTION 183. 49.155 (1) (c) of the statutes is amended to read:

49.155 **(1)** (c) Notwithstanding s. 49.141 (1) (j), "parent" means a custodial parent, guardian, foster parent, ~~treatment foster parent,~~ legal custodian, or a person acting in the place of a parent.

SECTION 184. 49.155 (1m) (a) (intro.) of the statutes is amended to read:

49.155 **(1m)** (a) (intro.) The individual is a parent of a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the age of 19; or is a ~~person~~ relative who, under s. ~~48.57 (3m) or (3n)~~ 48.62, is providing care and maintenance for a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the age of 19; and child care services for that child are needed in order for the individual to do any of the following:

SECTION 185. 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

49.155 **(1m)** (a) 1m. b. The individual has not yet attained the age of 18 years and the individual resides with his or her custodial parent or ~~with a kinship care relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57 (3n) or~~ is in a foster home ~~or treatment foster home~~ licensed under s. 48.62, a

subsidized guardianship home under s. 48.62 (5), a group home, or an independent living arrangement supervised by an adult.

SECTION 186. 49.155 (1m) (bm) of the statutes is amended to read:

49.155 **(1m)** (bm) If the individual is providing care for a child under a court order and is receiving payments on behalf of the child under s. ~~48.57 (3m) or (3n) or~~ 48.62 (5), or if the individual is a foster parent ~~or treatment foster parent~~, and child care is needed for that child, the child meets the requirement under s. 49.145 (2) (c).

SECTION 187. 49.155 (1m) (c) 1. (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

49.155 **(1m)** (c) 1. (intro.) Except as provided in subds. 1g., ~~1h.,~~ 1m., 2., and 3., the gross income of the individual's family is at or below 185% of the poverty line for a family the size of the individual's family or, for an individual who is already receiving a child care subsidy under this section, the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. In calculating the gross income of the family, the county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual and income described under s. 49.145 (3) (b) 1. and 3., except that, in calculating farm and self-employment income, the county department or agency determining eligibility shall include the sum of the following:

****NOTE: This is reconciled s. 49.155 (1m) (c) 1. (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2, LRB-1193/1, and LRB-1389/P2.

SECTION 188. 49.155 (1m) (c) 1h. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed.

****NOTE: This is reconciled s. 49.155 (1m) (c) 1h. This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2, LRB-1193/1, and LRB-1389/P2.

SECTION 189. 49.175 (1) (s) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

49.175 **(1)** (s) ~~*Kinship care and long-term kinship*~~ *Foster care assistance.* For ~~the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and (3p)~~ foster care under s. 48.62, $23,892,400 in fiscal year 2009-10 and $23,903,500 in each fiscal year thereafter.

****NOTE: This is reconciled s. 49.175 (1) (s). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2, LRB-0317/1, and LRB-1667/2.

SECTION 190. 49.19 (1) (a) 2. b. of the statutes is amended to read:

49.19 **(1)** (a) 2. b. Is living in a foster home ~~or treatment foster home~~ licensed under s. 48.62 if a license is required under that section, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, or in a residential care center for children and youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment foster home,~~ group home, or center by a county department under s. 46.215, 46.22, or 46.23, by the department, by the department of corrections, or by a federally recognized American Indian tribal governing body in this state under an agreement with a county department.

SECTION 191. 49.19 (4e) (a) of the statutes is amended to read:

49.19 **(4e)** (a) If a person applying for aid is under 18 years of age, has never married, and is pregnant or has a dependent child in his or her care, the person is not eligible for aid unless he or she lives in a place maintained by his or her parent, legal guardian, or other adult relative as the parent's, guardian's or other adult

relative's own home or lives in a foster home, ~~treatment foster home,~~ maternity home, or other supportive living arrangement supervised by an adult.

SECTION 192. 49.19 (10) (a) of the statutes is amended to read:

49.19 **(10)** (a) Aid under this section may also be granted to a nonrelative who cares for a child dependent upon the public for proper support in a foster home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, or in a group home licensed under s. 48.625, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1) (d) for aid granted under this subsection except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215 or 46.22 shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 193. 49.19 (10) (c) of the statutes is amended to read:

49.19 **(10)** (c) Reimbursement under par. (a) may also be paid to the county when the child is placed in a licensed foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or if the child was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the

home of the relative would be contrary to the child's welfare for any reason and the placement is made ~~pursuant to~~ under an agreement with the county department.

SECTION 194. 49.19 (10) (d) of the statutes is amended to read:

49.19 **(10)** (d) Aid may also be paid under this section to a licensed foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth by the state when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body, or when the child was part of the state's direct service case load and was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department or the department of corrections.

SECTION 195. 49.19 (10) (e) of the statutes is amended to read:

49.19 **(10)** (e) Notwithstanding pars. (a), (c), and (d), aid under this section may not be granted for placement of a child in a foster home ~~or treatment foster home~~ licensed by a federally recognized American Indian tribal governing body, for placement of a child in a foster home~~, treatment foster home,~~ or residential care center for children and youth by a tribal governing body or its designee, for the placement of a child who is a ward of a tribal court if the tribal governing body is receiving or is eligible to receive funds from the federal government for that type of placement, or for placement of a child in a group home licensed under s. 48.625.

SECTION 196. 49.22 (6) of the statutes is amended to read:

49.22 **(6)** The department shall establish, pursuant to federal and state laws, rules, and regulations, a uniform system of fees for services provided under this

section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471; benefits under s. 49.148, 49.155, or 49.79; or foster care maintenance payments under 42 USC 670 to 679a~~; or kinship care payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n)~~. The system of fees may take into account an individual's ability to pay. Any fee paid and collected under this subsection may be retained by the county providing the service except for the fee specified in 42 USC 653 (e) (2) for federal parent locator services.

SECTION 197. 49.22 (7m) of the statutes is amended to read:

49.22 **(7m)** The department may contract with or employ a collection agency or other person to enforce a support obligation of a parent who is delinquent in making support payments and may contract with or employ an attorney to appear in an action in state or federal court to enforce ~~such an~~ the obligation. To pay for the department's administrative costs of implementing this subsection, the department may charge a fee to counties, use federal matching funds or funds retained by the department under s. 49.24 (2) (c), or use up to 30% of this state's share of a collection made under this subsection on behalf of a recipient of aid to families with dependent children ~~or a recipient of kinship care payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n)~~.

SECTION 198. 49.32 (9) (a) of the statutes is amended to read:

49.32 **(9)** (a) Each county department under s. 46.215, 46.22, or 46.23 administering aid to families with dependent children shall maintain a monthly report at its office showing the names of all persons receiving aid to families with dependent children together with the amount paid during the preceding month. Each Wisconsin Works agency administering Wisconsin Works under ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names of all persons

receiving benefits under s. 49.148 together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in the report of any information (names, amounts of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes ~~or treatment foster homes~~ under s. 48.645 or 49.19 (10).

SECTION 199. 49.34 (1) of the statutes is amended to read:

49.34 **(1)** All services under this subchapter and ch. 48 purchased by the department or by a county department under s. 46.215, 46.22, or 46.23 shall be authorized and contracted for under the standards established under this section. The department may require the county departments to submit the contracts to the department for review and approval. For purchases of $10,000 or less the requirement for a written contract may be waived by the department. No contract is required for care provided by foster homes ~~or treatment foster homes~~ that are required to be licensed under s. 48.62. When the department directly contracts for services, it shall follow the procedures in this section in addition to meeting purchasing requirements established in s. 16.75.

SECTION 200. 49.345 (14) (a) of the statutes is amended to read:

49.345 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes, foster homes, ~~treatment foster homes,~~ subsidized guardianship homes, and residential care centers for children and youth is determined in accordance with the cost-based fee established under s. 49.32 (1). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party benefits, subject to rules that include formulas governing ability to pay

established by the department under s. 49.32 (1). Any liability of the person not payable by any other person terminates when the person reaches age 18, unless the liable person has prevented payment by any act or omission.

SECTION 201. 49.345 (14) (b) of the statutes is amended to read:

49.345 **(14)** (b) Except as provided in par. (c), and subject to par. (cm), liability of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical facility such as a group home, foster home, ~~treatment foster home,~~ subsidized guardianship home, or residential care center for children and youth shall be determined by the court by using the percentage standard established by the department under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

SECTION 202. 49.45 (3) (e) 7. of the statutes is amended to read:

49.45 **(3)** (e) 7. The daily reimbursement or payment rate to a hospital for services provided to medical assistance recipients awaiting admission to a skilled nursing home, intermediate care facility, community-based residential facility, group home, foster home, ~~treatment foster home~~ or other custodial living arrangement may not exceed the maximum reimbursement or payment rate based on the average adjusted state skilled nursing facility rate, created under sub. (6m). This limited reimbursement or payment rate to a hospital commences on the date the department, through its own data or information provided by hospitals, determines that continued hospitalization is no longer medically necessary or appropriate during a period ~~where~~ when the recipient awaits placement in an alternate custodial living arrangement. The department may contract with a peer review organization, established under 42 USC 1320c to 1320c-10, to determine that continued

hospitalization of a recipient is no longer necessary and that admission to an alternate custodial living arrangement is more appropriate for the continued care of the recipient. In addition, the department may contract with a peer review organization to determine the medical necessity or appropriateness of physician services or other services provided during the period when a hospital patient awaits placement in an alternate custodial living arrangement.

SECTION 203. 49.46 (1) (a) 5. of the statutes is amended to read:

49.46 **(1)** (a) 5. Any child in an adoption assistance, foster care, ~~treatment foster care,~~ or subsidized guardianship placement under ch. 48 or 938, as determined by the department.

SECTION 204. 49.46 (1) (a) 16. of the statutes is repealed.

SECTION 205. 49.46 (1) (d) 1. of the statutes is amended to read:

49.46 **(1)** (d) 1. Children who are placed in licensed foster homes ~~or licensed treatment foster homes~~ by the department and who would be eligible for payment of aid to families with dependent children in foster homes ~~or treatment foster homes~~ except that their placement is not made by a county department under s. 46.215, 46.22, or 46.23 will be considered as recipients of aid to families with dependent children.

SECTION 206. 49.471 (4) (a) 5. of the statutes is amended to read:

49.471 **(4)** (a) 5. An individual who, regardless of family income, was born on or after January 1, 1990, and who, on his or her 18th birthday, was in a foster care ~~or treatment foster care~~ placement under the responsibility of a state, as determined by the department. The coverage for an individual under this subdivision ends on the last day of the month in which the individual becomes 21 years of age, unless he or she otherwise loses eligibility sooner.

SECTION 207. 49.96 of the statutes is amended to read:

49.96 Assistance grants exempt from levy. All grants of aid to families with dependent children, payments made under ss. ~~48.57 (3m) or (3n),~~ 49.148 (1) (b) 1. or (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every tax, and from execution, garnishment, attachment, and every other process and shall be inalienable.

SECTION 208. 50.01 (1) (a) 1. of the statutes is amended to read:

50.01 **(1)** (a) 1. Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings~~, or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4~~.

SECTION 209. 50.01 (1) (a) 2. of the statutes is amended to read:

50.01 **(1)** (a) 2. The private residence was licensed under s. 48.62 as a ~~foster home or treatment foster~~ home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.

SECTION 210. 50.065 (1) (c) 2. of the statutes is repealed.

SECTION 211. 59.69 (15) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

59.69 **(15)** COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any municipality, shall be subject to the following criteria:

****NOTE: This is reconciled s. 59.69 (15) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0659/P3 and LRB-0884/2.

SECTION 212. 59.69 (15) (bm) of the statutes is amended to read:

59.69 **(15)** (bm) A foster home ~~or a treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to pars. (a) and (b) except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies, religious associations, as defined in s. 157.061 (15), associations, or public agencies shall be subject to pars. (a) and (b).

SECTION 213. 60.63 (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town shall be subject to the following criteria:

****NOTE: This is reconciled s. 60.63 (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0659/P3 and LRB-0884/2.

SECTION 214. 60.63 (3) of the statutes is amended to read:

60.63 **(3)** A foster home ~~or a treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subs. (1) and (2) except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subs. (1) and (2).

SECTION 215. 62.23 (7) (i) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

62.23 **(7)** (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following criteria:

****NOTE: This is reconciled s. 62.23 (7) (i) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0659/P3 and LRB-0884/2.

SECTION 216. 62.23 (7) (i) 2m. of the statutes is amended to read:

62.23 **(7)** (i) 2m. A foster home ~~or treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subds. 1. and 2. except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subds. 1. and 2.

SECTION 217. 103.10 (1) (a) (intro.) of the statutes is amended to read:

103.10 **(1)** (a) (intro.) "Child" means a natural, adopted, ~~foster or treatment~~ or foster child, a stepchild, or a legal ward to whom any of the following applies:

SECTION 218. 103.10 (1) (f) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

103.10 **(1)** (f) "Parent" means a natural parent, foster parent, ~~treatment foster parent,~~ adoptive parent, stepparent, or legal guardian of an employee or of an employee's spouse or domestic partner.

****NOTE: This is reconciled s. 103.10 (1) (f). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1308/P3.

SECTION 219. 118.175 (1) of the statutes is amended to read:

118.175 **(1)** This section does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11) or 938.02 (11), or who is cared for by a ~~kinship care~~ relative, as defined in s. ~~48.57 (3m) (a) 2.~~ 48.02 (15).

SECTION 220. 121.79 (1) (d) (intro.) of the statutes is amended to read:

121.79 **(1)** (d) (intro.) For pupils in foster homes~~, treatment foster homes,~~ or group homes, if the foster home~~, treatment foster home,~~ or group home is located outside the school district in which the pupil's parent or guardian resides and either of the following applies:

SECTION 221. 121.79 (1) (d) 2. of the statutes is amended to read:

121.79 **(1)** (d) 2. The foster~~, treatment foster~~ or group home is exempted under s. 70.11.

SECTION 222. 121.79 (1) (d) 3. of the statutes is amended to read:

121.79 **(1)** (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5), and at least 4% of the pupils enrolled in the school district reside in foster homes~~, treatment foster homes,~~ or group homes that are not exempt under s. 70.11.

Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

SECTION 223. 146.82 (2) (a) 18m. of the statutes is amended to read:

146.82 **(2)** (a) 18m. If the subject of the patient health care records is a child or juvenile who has been placed in a foster home~~, treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility, including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home~~, treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, or to an agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements, to the foster parent ~~or treatment foster parent~~ of the child or juvenile or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

SECTION 224. 167.10 (7) of the statutes is amended to read:

167.10 **(7)** PARENTAL LIABILITY. A parent, foster parent, ~~treatment foster parent,~~ family-operated group home parent, or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

SECTION 225. 252.15 (5) (a) 19. of the statutes is amended to read:

252.15 **(5)** (a) 19. If the test was administered to a child who has been placed in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p), including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that placed the child or arranged for the placement of the child in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or arranged for the placement of the child in any of those placements, to the child's foster parent ~~or treatment foster parent~~ or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

SECTION 226. 253.10 (3) (c) 2. c. of the statutes is amended to read:

253.10 **(3)** (c) 2. c. That the woman has a legal right to continue her pregnancy and to keep the child; to place the child in a foster home ~~or treatment foster home~~ for 6 months or to petition a court for placement of the child in a foster home~~, treatment foster home~~ or group home or with a relative; or to place the child for adoption under a process that involves court approval both of the voluntary termination of parental rights and of the adoption.

SECTION 227. 301.12 (14) (a) of the statutes is amended to read:

301.12 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17 years of age in residential, nonmedical facilities such as group homes, foster homes, ~~treatment foster homes,~~ residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost-based fee established under s. 301.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party benefits, subject to rules ~~which~~ that include formulas governing ability to pay promulgated by the department under s. 301.03 (18). Any liability of the resident not payable by any other person terminates when the resident reaches age 17, unless the liable person has prevented payment by any act or omission.

SECTION 228. 301.12 (14) (b) of the statutes is amended to read:

301.12 **(14)** (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 938.183, 938.355, or 938.357 in a residential, nonmedical facility such as a group home, foster home, ~~treatment foster home,~~ residential care center for children and youth, or juvenile correctional institution shall be determined by the court by using the percentage

standard established by the department of children and families under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

SECTION 229. 301.26 (4) (d) 2. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

301.26 **(4)** (d) 2. Beginning on ~~July 1, 2009~~ January 1, 2010, and ending on June 30, 2010, the per person daily cost assessment to counties shall be $270 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), $270 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), $294 for care in a residential care center for children and youth, $190 for care in a group home for children, $72 for care in a foster home, $126 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (c), $101 for departmental corrective sanctions services, and $40 for departmental aftercare services.

****NOTE: This is reconciled s. 301.26 (4) (d) 2. This SECTION has been affected by drafts with the following LRB numbers: LRB-0357/3 and LRB-0884/2.

SECTION 230. 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

301.26 **(4)** (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the per person daily cost assessment to counties shall be $275 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), $275 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), $309 for care in a residential care center for children and youth, $200 for care in a group home for children, $75 for care in a foster home, $132 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (c), $103 for departmental corrective sanctions services, and $41 for departmental aftercare services.

****NOTE: This is reconciled s. 301.26 (4) (d) 3. This SECTION has been affected by drafts with the following LRB numbers: LRB-0357/3 and LRB-0884/2.

SECTION 231. 301.26 (4) (e) of the statutes is amended to read:

301.26 **(4)** (e) For foster care, ~~treatment foster care,~~ group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all payments and deductions made under this subsection and uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 232. 301.26 (4) (ed) of the statutes is amended to read:

301.26 **(4)** (ed) For foster care, ~~treatment foster care,~~ group home care, and institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 233. 301.46 (4) (a) 6. of the statutes is amended to read:

301.46 **(4)** (a) 6. A foster home ~~or treatment foster home~~ licensed under s. 48.62.

SECTION 234. 343.15 (4) (a) 3. of the statutes is amended to read:

343.15 **(4)** (a) 3. A person who is a ward of the state, county, or court and who has been placed in a foster home ~~or a treatment foster home~~ or in the care of a religious welfare service.

SECTION 235. 619.01 (1) (a) of the statutes is amended to read:

619.01 **(1)** (a) *Establishment of plans.* If the commissioner finds after a hearing that in any part of this state automobile insurance, property insurance, health care liability insurance, liability insurance but not to include coverage for risks ~~which~~ that are determined to be uninsurable, worker's compensation insurance, insurance coverage for foster homes ~~or treatment foster homes,~~ or insurance coverage for group

homes is not readily available in the voluntary market, and that the public interest requires ~~such~~ that availability, the commissioner may by rule either promulgate plans to provide such insurance coverages for any risks in this state ~~which~~ that are equitably entitled to, but otherwise unable to obtain ~~such~~, that coverage, or may call upon the insurance industry to prepare plans for the commissioner's approval.

SECTION 236. 619.01 (1) (c) 1. of the statutes is amended to read:

619.01 **(1)** (c) 1. Each plan, except a health care liability insurance plan, a foster home protection insurance plan, ~~a treatment foster home protection insurance plan~~ or a group home protection insurance plan, shall require participation by all insurers doing any business in this state of the types covered by the specific plan and all agents licensed to represent ~~such~~ those insurers in this state for the specified types of business, except that the commissioner may exclude classes of persons for administrative convenience or because it is not equitable or practicable to require them to participate in the plan.

SECTION 237. 619.01 (1) (c) 4m. of the statutes is repealed.

SECTION 238. 619.01 (9) of the statutes is amended to read:

619.01 **(9)** FOSTER HOME PROTECTION INSURANCE. In this section "foster home protection insurance" means insurance coverage to protect persons who receive a license to operate a foster home under s. 48.62 (1) ~~(a)~~ against the unique risks, determined by the commissioner, to which ~~such~~ those persons are exposed. If the persons have insurance ~~which~~ that covers any of ~~these~~ those risks, the foster home protection insurance may insure against any or all of the other risks, and may provide additional or excess limits coverage for any or all of ~~these~~ those risks.

SECTION 239. 619.01 (9m) of the statutes is repealed.

SECTION 240. 767.205 (2) (a) 3. of the statutes is amended to read: