

State of Wisconsin



2015 Senate Bill 202

Date of enactment: **February 29, 2016**

Date of publication*: **March 1, 2016**

2015 WISCONSIN ACT 166

AN ACT *to amend* 48.57 (3m) (f), 48.57 (3m) (g) 1. (intro.), 48.57 (3n) (f), 48.57 (3n) (g) 1. (intro.), 48.57 (3p) (h) 5. and 48.57 (3p) (hm) of the statutes; **relating to:** appeals of denials of kinship care payments based on arrest or conviction record.

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

SECTION 1. 48.57 (3m) (f) of the statutes is amended to read:

48.57 (3m) (f) Any person whose application for payments under par. (am) is not acted on promptly or is denied on the grounds that a condition specified in par. (am) 1., 1m., 2., 5., 5m., or 6. has not been met, or is denied following a review under sub. (3p) (h) on the grounds that a condition specified in par. (am) 4. or 4m. has not been met. and any person whose payments under par. (am) are discontinued under par. (d), may petition the department under par. (g) for a review of that action or failure to act. Review is unavailable if the action or failure to act arose more than 45 days before submission of the petition for review.

SECTION 2. 48.57 (3m) (g) 1. (intro.) of the statutes is amended to read:

48.57 (3m) (g) 1. (intro.) Upon receipt of a timely petition under par. (f) the department shall give the applicant or recipient reasonable notice and an opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and to the county department or subunit of the department whose action or failure to act is the subject of the petition.

That county department or subunit of the department may be represented at the hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant or recipient and to the county department or subunit of the department whose action or failure to act is the subject of the petition. The decision of the department shall have the same effect as an order of the county department or subunit of the department whose action or failure to act is the subject of the petition. The decision shall be final, but may be reviewed under ss. 227.52 to 227.58 or revoked or modified as altered conditions may require. The department shall deny a petition for review or shall refuse to grant relief if any of the following applies:

SECTION 3. 48.57 (3n) (f) of the statutes is amended to read:

48.57 (3n) (f) Any person whose application for payments under par. (am) is not acted on promptly or is denied on the grounds that a condition specified in par. (am) 1., 2., 5., 5m. or 5r. has not been met, or is denied following a review under sub. (3p) (hm) on the grounds that a condition specified in par. (am) 4. or 4m. has not been met. and any person whose payments under par. (am) are discontinued under par. (d), may petition the department under par. (g) for a review of that action or failure to act. Review is unavailable if the action or fail-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

ure to act arose more than 45 days before submission of the petition for review.

SECTION 4. 48.57 (3n) (g) 1. (intro.) of the statutes is amended to read:

48.57 (3n) (g) 1. (intro.) Upon receipt of a timely petition under par. (f) the department shall give the applicant or recipient reasonable notice and an opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and to the county department or subunit of the department whose action or failure to act is the subject of the petition. That county department or subunit of the department may be represented at the hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant or recipient and to the county department or subunit of the department whose action or failure to act is the subject of the petition. The decision of the department shall have the same effect as an order of the county department or subunit of the department whose action or failure to act is the subject of the petition. The decision shall be final, but may be reviewed under ss. 227.52 to 227.58 or revoked or modified as altered conditions may require. The department shall deny a petition for review or shall refuse to grant relief if any of the following applies:

SECTION 5. 48.57 (3p) (h) 5. of the statutes is amended to read:

48.57 (3p) (h) 5. A person who is aggrieved by a decision under this paragraph is not subject to review under ch. 227 may obtain a hearing on that decision under sub. (3m) (g) as provided in sub. (3m) (f).

SECTION 6. 48.57 (3p) (hm) of the statutes is amended to read:

48.57 (3p) (hm) A county department or, in a county having a population of 500,000 or more, the department may not make payments to a person under sub. (3n) and a person receiving payments under sub. (3n) may not employ a person in a position in which that person would have regular contact with the child for whom payments are being made or permit a person to be an adult resident if the director of the county department or, in a county having a population of 500,000 or more, the person designated by the secretary to review conviction records under this paragraph determines that the person has any arrest or conviction that is likely to adversely affect the child or the person's ability to care for the child. A person who is aggrieved by a decision under this paragraph may obtain a hearing on that decision under sub. (3n) (g) as provided in sub. (3n) (f).

SECTION 7. Initial applicability.

(1) KINSHIP CARE FAIR HEARINGS. This act first applies to a decision of a director of a county department of human services or social services or of a designee of the secretary of children and families denying kinship care payments on the grounds of arrest or conviction record made on the effective date of this subsection.