



## 1997 ASSEMBLY BILL 602

November 11, 1997 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to  
Committee on Children and Families.

1     **AN ACT to amend** 48.57 (3m) (am) 4m., 48.57 (3m) (cm), 48.57 (3n) (am) (intro.),  
2         48.57 (3p) (a), 48.57 (3p) (b) 1., 48.57 (3p) (c) 1., 48.57 (3p) (c) 3., 48.57 (3t), 49.155  
3         (1m) (a) (intro.), 49.22 (6), 49.22 (7m), 49.23 (1), 49.23 (2) (a) 1., 49.46 (1) (a) 5.,  
4         49.46 (1) (a) 16., 49.96, 767.045 (1) (c) 1., 767.075 (1) (c) and (cm), 767.077  
5         (intro.), 767.078 (1) (a) 2., 767.29 (1m) (c), 767.29 (2), 767.29 (4), 767.32 (1) (a)  
6         and 767.47 (6); **to repeal and recreate** 20.435 (3) (cz), 20.435 (3) (kc) and  
7         20.435 (3) (kd); and **to create** 48.57 (3m) (am) 5m., 48.57 (3n), 48.57 (3p) (b) 3.,  
8         48.57 (3p) (c) 2m., 48.57 (3p) (fm) 1m., 48.57 (3p) (fm) 2m., 48.57 (3p) (h) and  
9         767.29 (1m) (cm) of the statutes; **relating to:** kinship care, creating a  
10         long-term kinship care program and making appropriations.

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the joint legislative council in  
the bill.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on adoption laws.

**CURRENT KINSHIP CARE PROGRAM**

*Definition of a Kinship Care Relative; Payment Amount.* 1995 Wisconsin Act 289 created a kinship care program under which kinship care payments of \$215 per month must be made to a “kinship care relative” of a dependent child under certain circumstances. A “kinship care relative” is “a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the prefix of grand, great or great-great, whether by consanguinity, direct affinity or legal adoption, or the spouse or any [such person], even if the marriage is terminated by death or divorce” [s. 48.57, stats.].

*Required Conditions for Receipt of Payments.* Under current law, kinship care payments may be made only if all of the following conditions are met:

“1. The kinship care relative applies to the county department [of human services or county department of social services (county department)] for [kinship care payments] and the county department determines that there is a need for the child to be placed with the kinship care relative and that the placement with the kinship care relative is in the best interests of the child.

2. The county department determines that the child meets one or more of the criteria specified in s. 48.13 [child in need of protection or services (CHIPS) jurisdictional criteria] or 938.13 [juvenile in need of protection or services (JIPS) jurisdictional criteria] or that the child would be at risk of meeting one or more of those criteria if the child were to remain in his or her home.

4. The county department conducts a [criminal] background investigation under [s. 48.57] (3p) of the kinship care relative, the employes and prospective employes of the kinship care relative who have or would have regular contact with the child for whom the payments would be made and any other adult resident of the kinship care relative's home to determine if the kinship care relative or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child.

4m. Subject to [s. 48.57] (3p) (fm), the kinship care relative states that he or she does not have any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child and that no adult resident, as defined in [s. 48.57] (3p) (a), and no employe or prospective employe of the kinship care relative who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child.

5. The kinship care relative cooperates with the county department in the application process, including applying for other forms of assistance for which the kinship care relative may be eligible.” [s. 48.57 (3m) (am) 1. to 5., stats.].

*Annual Review.* Under current law, the county department must review the placement of a child for whom kinship care payments are being made at least every 12 months to determine whether the required conditions described above continue to exist [s. 48.57 (3m) (d), stats.].

*Criminal Record.* As discussed above, the county department must conduct a criminal background investigation of the kinship care relative, the employes and prospective employes of the kinship care relative who have or would have regular contact

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with the child for whom the payments would be made and any other adult resident of the kinship care relative's home to determine if the kinship care relative or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child.

Kinship care payments may not be made if any of the following persons have been convicted of certain crimes which are specified in s. 48.57 (3p) (g) 1. to 3., stats.: 1) a person applying for kinship care payments; 2) a person permitted to be an adult resident in the home of a kinship care relative; or 3) a person employed by the kinship care relative in a position in which that employe would have regular contact with the child [s. 48.57 (3p), stats.].

*Assignment of Child Support.* If kinship care payments are made with respect to a child, the county department must refer the name of the child's parent or parents to the attorney responsible for support enforcement (IV-D attorney). When any kinship care relative applies for or receives kinship care payments, any right of the child or the child's parent to support or maintenance from any other person, including any right to unpaid amounts accrued at the time of application and any right to amounts accruing during the time that kinship care payments are made, is assigned to the state. If a child is the beneficiary of support under a judgment or order that includes support for one or more children for whom kinship care payments are not being made, the assignment is for the amount that is the proportionate share of the child for whom kinship care payments are being made, except as otherwise ordered by the court on the motion of a party. In addition, the county department must require the parent or parents of the child for whom kinship care payments are being made to either initiate or continue health insurance coverage for the child. The department of health and family services (DHFS) must determine whether the child is eligible for medical assistance (MA).

*Administration and Appropriations.* Under current law, county departments are responsible for making kinship care payments. Also, under current law, DHFS may enter into an agreement with the governing body of a federally recognized American Indian tribe (Indian tribe) to administer the kinship care program within the boundaries of its reservation [s. 48.57 (3t), stats.]. This bill permits DHFS to enter into an agreement with the governing body of a federally recognized American Indian *band* (Indian band) to administer the kinship care program within the boundaries of its reservation.

Under current law, DHFS must reimburse counties for kinship care payments from its community aids appropriations. (The 1997-99 biennial budget bill (1997 Assembly Bill 100)) proposes that DHFS reimburse counties for kinship care payments from an appropriation for foster care, kinship care and aid to minor custodial parents and from an appropriation for interagency and intra-agency aids specific to kinship care which has money transferred to it from the federal block grant under the federal temporary assistance to needy families (TANF) program.)

**LONG-TERM KINSHIP CARE PROGRAM**

This bill creates a long-term kinship care program that is similar to the current kinship care program. The significant differences in the programs are noted below following the description of each component of the long-term kinship care program, under the heading "Comparison". The components of the long-term kinship care program are as follows:

*Definition of a Long-Term Kinship Care Relative; Payment Amount.* The definition of a "long-term kinship care relative" includes the same relatives of a child that are included in the definition of a "kinship care relative".

Monthly long-term kinship care payments are to be made at the same rate as the kinship care rate, which is currently set at \$215 per month.

*Required Conditions for Receipt of Payments.* Long-term kinship care payments may be made only if all of the following conditions are met:

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1. The long-term kinship care relative applies to the county department for long-term kinship care payments and provides proof that he or she has been appointed as the guardian of the child under s. 48.977 (2), stats.

Under current law, a relative may be appointed as a child's guardian under s. 48.977 (2), stats., only if the court assigned to exercise jurisdiction under chs. 48 and 938 (juvenile court) finds all of the following: a) that the child has been adjudged CHIPS (other than CHIPS on the basis of not being immunized) or has been adjudged JIPS under s. 938.13 (4), stats., (the juvenile's parent or guardian has requested JIPS jurisdiction and is unable or needs assistance to control the juvenile) and has been placed, or continued in a placement, outside of his or her home pursuant to one or more court orders under a CHIPS or JIPS dispositional order, a CHIPS or JIPS change in placement order, a CHIPS or JIPS revision order or a CHIPS or JIPS extension order for a cumulative total period of one year or longer; b) that the person nominated as the guardian of the child is a relative of the child with whom the child has been placed and that it is likely that the child will continue to be placed with that relative for an extended period of time or until the child attains the age of 18 years; c) that, if appointed, it is likely that the relative would be willing and able to serve as the child's guardian for an extended period of time or until the child attains the age of 18 years; d) that it is not in the best interests of the child that a petition to terminate parental rights be filed with respect to the child; e) that the child's parent is neglecting, refusing or unable to carry out the duties of a guardian or, if the child has 2 parents, both parents are neglecting, refusing or unable to carry out the duties of a guardian; and f) that the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to make it possible for the child to return to his or her home but that reunification of the child with the child's parent or parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child.

Comparison: In contrast, kinship care payments may be made if the county department determines, in pertinent part, that the child meets *any* CHIPS or JIPS jurisdictional criteria or that the child would be *at risk* of meeting one or more of those criteria if the child were to remain in his or her home. There is no requirement that the kinship care relative be appointed as the child's guardian under s. 48.977, stats.

2. The county department inspects the long-term kinship care relative's home, interviews the long-term kinship care relative and determines that long-term placement with the long-term kinship care relative is in the best interests of the child.

Comparison: In contrast, kinship care payments may be made if the county department determines, in pertinent part, that there is a need for the child to be placed with the kinship care relative and that the placement with the kinship care relative is in the best interests of the child. There is no statutory requirement that an inspection of the kinship care relative's home be made or that an interview with the kinship care relative be conducted.

3. The county department conducts a criminal background investigation under s. 48.57 (3p), stats., of the long-term kinship care relative, the employes and prospective employes of the long-term kinship care relative who have or would have regular contact with the child and any other adult resident of the long-term kinship care relative's home to determine if any of these persons has any arrests or convictions that are likely to adversely affect the child or the long-term kinship care relative's ability to care for the child.

Comparison: The same background investigation is required before kinship care payments may be made, except that the kinship care provision refers to a determination as to whether any arrests or convictions could (rather than are likely to) adversely affect the child or the kinship care relative's ability to care for the child. In addition, current law refers only to a determination regarding the kinship care relative and any adult residents

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and not to a determination regarding any employes or prospective employes. The 1997-99 biennial budget bill adds employes and prospective employes to this determination.

4. Subject to s. 48.57 (3p) (fm) 1m. and 2m., stats., as created by the bill, which are explained below under "*Criminal Record*", the long-term kinship care relative states that he or she does not have any arrests or convictions that could adversely affect the child or the long-term kinship care relative's ability to care for the child and that, to the best of the long-term kinship care relative's knowledge, no adult resident, as defined in s. 48.57 (3p) (a), stats., and no employe or prospective employe of the long-term kinship care relative who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the long-term kinship care relative's ability to care for the child.

Comparison: A similar requirement applies to a kinship care relative, although the kinship care provision does not include the limitation that the statement about employes, prospective employes and adult residents is to the best of the kinship care relative's knowledge.

5. The long-term kinship care relative cooperates with the county department in the application process, including applying for other forms of assistance for which the long-term kinship care relative may be eligible.

Comparison: The same requirement applies before kinship care payments are made.

6. The long-term kinship care relative is not receiving kinship care payments with respect to the child.

Comparison: The bill creates a similar requirement for kinship care. Under the bill, a kinship care relative who is receiving kinship care payments with respect to a child may not at the same time also receive long-term kinship care payments with respect to the child. The bill, however, does not preclude a person who is receiving kinship care payments for a child from being reclassified as a long-term kinship care relative for that child to begin receiving long-term kinship care payments instead of kinship care payments for that child.

7. The county department and long-term kinship care relative enter into a written agreement under which the long-term kinship care relative agrees to provide care and maintenance for the child and the county department agrees to make monthly payments to the long-term kinship care relative at the kinship care rate until the earliest of the following: a) the child attains the age of 18 years; b) the child dies; c) the child is placed outside the long-term kinship care relative's home under a court order or under a voluntary agreement under s. 48.63, stats.; d) the child ceases to reside with the long-term kinship care relative; e) the long-term kinship care relative's guardianship under s. 48.977, stats., terminates; or f) the child moves out of the state.

The bill provides that the agreement is subject to the provisions discussed below which prohibit making long-term kinship care payments to a person if the person has any arrest or conviction that the director of the county department determines is likely to adversely affect the child or the person's ability to care for the child or if the person employs an individual in a position in which that individual would have regular contact with the child or permits an individual to be an adult resident if the individual has such a record. Thus, if, for example, a person has no record of conviction at the time long-term kinship care payments are approved and later is convicted of a crime that the director of the county department determines is likely to adversely affect the child or the long-term kinship care relative's ability to care for the child, then long-term kinship care payments must be discontinued.

Subject to the provisions relating to criminal background investigations and to conviction records, a county department must enter into an agreement with a long-term kinship care relative if: a) the required conditions for receipt of payments described in

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items 1. to 6., above, are met; and b) the long-term kinship care relative has expressed a willingness to enter into the agreement.

Comparison: In contrast, no such agreement must be entered into before kinship care payments are made.

*Annual Review.* In contrast to the kinship care program, the long-term kinship care program does not require an annual review by the county department to determine whether all prerequisite conditions continue to exist. The bill, however, does require an annual determination by the county department that none of the events relating to the child's status which trigger termination of long-term kinship care payments, as described above, has occurred.

*Criminal Record.* As discussed above, the county department must conduct a criminal background investigation of the long-term kinship care relative, the employes and prospective employes of the long-term kinship care relative who have or would have regular contact with the child and any other adult resident of the long-term kinship care relative's home to determine if any of these persons has any arrests or convictions that are likely to adversely affect the child or the kinship care relative's ability to care for the child. If the investigation reveals that there is a record of arrest or conviction, a person may not receive long-term kinship care payments unless the director of the county department determines that any arrest or conviction included in the record is not likely to adversely affect the child or the long-term kinship care relative's ability to care for the child.

Comparison: As discussed above, kinship care payments may not be made if either the person applying for kinship care payments, a person permitted to be an adult resident in the home or a person employed by the kinship care relative in a position in which that employe would have regular contact with the child has been convicted of certain crimes which are specified in s. 48.57 (3p) (g) 1. to 3., stats. In contrast, conviction of one of those specified crimes does *not* result in automatic exclusion for long-term kinship care payments. Rather, as described above, the director of the county department makes an individualized determination with respect to long-term kinship care payments.

*Assignment of Child Support.* If long-term kinship care payments are made with respect to a child, the county department must refer the name of the child's parent or parents to the IV-D attorney. When a long-term kinship care relative applies for or receives long-term kinship care payments, any right of the child or the child's parent to support or maintenance from any other person, including any right to unpaid amounts accrued at the time of application and any right to amounts accruing during the time that long-term kinship care payments are made, is assigned to the state. If a child who is the beneficiary of support under a judgment or order that includes support for one or more children for whom long-term kinship care payments are not being made, the assignment is for the amount that is the proportionate share of the child for whom long-term kinship care payments are being made, except as otherwise ordered by the court on the motion of a party. In addition, the county department must require the parent or parents of the child for whom long-term kinship care payments are being made to either initiate or continue health insurance coverage for the child. DHFS must determine whether the child is eligible for MA.

Comparison: The same provisions apply with respect to kinship care payments.

*Administration and Appropriations.* Like the kinship care program, the long-term kinship care program is to be administered by county departments, and DHFS may enter into an agreement with an Indian tribe or band to administer the long-term kinship care program within the boundaries of its reservation. In addition, the bill permits DHFS to enter into an agreement with an Indian band to administer the long-term kinship care program within the boundaries of its reservation.

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The bill provides that county departments are to make long-term kinship care payments from the same appropriation that is used for kinship care payments. Thus, the bill provides that DHFS must reimburse counties for long-term kinship care payments from its community aids appropriations, *unless* the 1997-99 biennial budget bill passes and creates an appropriation for foster care, kinship care and aid to minor custodial parents and an appropriation for kinship care payments from an appropriation for interagency and intra-agency aids specific to kinship care which has money transferred to it from the federal block grant under the TANF program. If the latter occurs, the bill provides that the appropriations created in the biennial budget act for kinship care payments are expanded to include long-term kinship care payments.

AMENDMENTS TO MISCELLANEOUS STATUTES

The bill amends various statutes which currently refer to the kinship care program under s. 48.57 (3m), stats., by adding parallel language to also refer to the long-term kinship care program under s. 48.57 (3n), stats., as created by this bill. Those changes are briefly described in the NOTES following various SECTIONS of the bill.

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

				<b>1997-98</b>	<b>1998-99</b>
4	<b>20.435</b>	<b>Health and family services, department</b>			
5		<b>of</b>			
6	(3)	YOUTH SERVICES			
7	(cz)	Foster care services, kinship			
8		care, long-term kinship care and			
9		aid to minor custodial parents	GPR    A	4,678,800	1,662,000
10	(kc)	Interagency and intra-agency			
11		aids; kinship care and long-term			
12		kinship care	PR-S    A	13,985,300	20,652,400
13	(kd)	Kinship care and long-term kin-			
14		ship care assessments	PR-S    A	1,735,100	1,464,000

NOTE: The bill does *not* change the amounts of these appropriations as set forth in Assembly Substitute Amendment 1 to 1997 Assembly Bill 100, but does authorize moneys from these appropriations to be expended for long-term kinship care payments as well as for kinship care payments.

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1           **SECTION 2.** 20.435 (3) (cz) of the statutes, as created by 1997 Wisconsin Act ...  
2 (Assembly Bill 100), is repealed and recreated to read:

3           20.435 (3) (cz) *Foster care services, kinship care, long-term kinship care and aid*  
4 *to minor custodial parents.* The amounts in the schedule for the cost of foster care  
5 and treatment foster care provided by nonlegally responsible relatives under s.  
6 46.261 (2) (a) 3. or 4., for kinship care payments under s. 48.57 (3m), for long-term  
7 kinship care payments under s. 48.57 (3n) and for aid to minor custodial parents  
8 under s. 46.261 (2) (a) 1.

NOTE: Repeals and recreates the appropriation proposed for creation in the biennial budget bill for foster care, kinship care and aid to minor custodial parents so that the appropriation also includes long-term kinship care payments. The NONSTATUTORY PROVISIONS of this bill provide that if the biennial budget act does not create s. 20.435 (3) (cz), stats., and the schedule entry for that appropriation, then this provision is void. (In that case, the bill provides that the appropriations from which kinship care payments are made under current law would also be used for long-term kinship care payments.)

9           **SECTION 3.** 20.435 (3) (kc) of the statutes, as created by 1997 Wisconsin Act ...  
10 (Assembly Bill 100), is repealed and recreated to read:

11           20.435 (3) (kc) *Interagency and intra-agency aids; kinship care and long-term*  
12 *kinship care.* The amounts in the schedule for payments under s. 48.57 (3m) and (3n).  
13 All moneys transferred from the appropriation account under s. 20.445 (3) (md) to  
14 this appropriation account shall be credited to this appropriation account.  
15 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year  
16 is transferred to the appropriation account under s. 20.445 (3) (ky).

NOTE: Repeals and recreates the appropriation proposed for creation in the biennial budget bill for kinship care payments so that the appropriation also includes long-term kinship care payments. The NONSTATUTORY PROVISIONS of this bill provide that if the biennial budget act does not create s. 20.435 (3) (kc), stats., and the schedule entry for that appropriation, then this provision is void. (In that case, the bill provides that the appropriations from which kinship care payments are made under current law would also be used for long-term kinship care payments.)

17           **SECTION 4.** 20.435 (3) (kd) of the statutes, as created by 1997 Wisconsin Act ...  
18 (Assembly Bill 100), is repealed and recreated to read:

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1           20.435 (3) (kd) *Kinship care and long-term kinship care assessments.* The  
2 amounts in the schedule for assessments of kinship care relatives, as defined in s.  
3 48.57 (3m) (a), and long-term kinship care relatives, as defined in s. 48.57 (3n) (a),  
4 who provide care and maintenance for children to determine if those kinship care  
5 relatives and long-term kinship care relatives are eligible to receive payments under  
6 s. 48.57 (3m) or (3n). All moneys transferred from the appropriation account under  
7 s. 20.445 (3) (md) to this appropriation account shall be credited to this appropriation  
8 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30  
9 of each year is transferred to the appropriation account under s. 20.445 (3) (ky).

NOTE: Repeals and recreates the appropriation proposed for creation in the biennial budget bill for kinship care assessments so that the appropriation also includes long-term kinship care assessments. The NONSTATUTORY PROVISIONS of this bill provide that if the biennial budget act does not create s. 20.435 (3) (kd), stats., and the schedule entry for that appropriation, then this provision is void.

10           **SECTION 5.** 48.57 (3m) (am) 4m. of the statutes is amended to read:

11           48.57 (3m) (am) 4m. Subject to sub. (3p) (fm) 1. and 2., the kinship care relative  
12 states that he or she does not have any arrests or convictions that could adversely  
13 affect the child or the kinship care relative's ability to care for the child and that no  
14 adult resident, as defined in sub. (3p) (a), and no employe or prospective employe of  
15 the kinship care relative who would have regular contact with the child has any  
16 arrests or convictions that could adversely affect the child or the kinship care  
17 relative's ability to care for the child.

NOTE: Reflects the creation of other subdivisions in s. 48.57 (3p) (fm), stats., by this bill.

18           **SECTION 6.** 48.57 (3m) (am) 5m. of the statutes is created to read:

19           48.57 (3m) (am) 5m. The kinship care relative is not receiving payments under  
20 sub. (3n) with respect to the child.

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NOTE: Adds, as a condition for the receipt of kinship care payments, a requirement that the kinship care relative not be receiving long-term kinship care payments with respect to the child.

1           **SECTION 7.** 48.57 (3m) (cm) of the statutes is amended to read:

2           48.57 **(3m)** (cm) A kinship care relative who receives a payment under par. (am)  
3           for providing care and maintenance for a child is not eligible to receive a payment  
4           under sub. (3n) or s. 48.62 (4) for that child.

NOTE: Provides that a kinship care relative who receives a kinship care payment for providing care and maintenance for a child is not eligible to receive a long-term kinship care payment for that child.

5           **SECTION 8.** 48.57 (3n) of the statutes is created to read:

6           48.57 **(3n)** (a) In this subsection, “long-term kinship care relative” means a  
7           stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt,  
8           uncle or any person of a preceding generation as denoted by the prefix of grand, great  
9           or great-great, whether by consanguinity, direct affinity or legal adoption, or the  
10          spouse of any person named in this paragraph, even if the marriage is terminated  
11          by death or divorce.

12          (am) From the appropriations under s. 20.435 (7) (b) and (o), the department  
13          shall reimburse counties for payments made under this subsection. A county  
14          department shall make monthly payments for each child in the amount specified in  
15          sub. (3m) (am) (intro.) to a long-term kinship care relative who is providing care and  
16          maintenance for that child if all of the following conditions are met:

17                1. The long-term kinship care relative applies to the county department for  
18                payments under this subsection and provides proof that he or she has been appointed  
19                as the guardian of the child under s. 48.977 (2).

20                2. The county department inspects the long-term kinship care relative’s home,  
21                interviews the long-term kinship care relative and determines that long-term

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1 placement with the long-term kinship care relative is in the best interests of the  
2 child.

3 4. The county department conducts a background investigation under sub. (3p)  
4 of the long-term kinship care relative, the employes and prospective employes of the  
5 long-term kinship care relative who have or would have regular contact with the  
6 child for whom the payments would be made and any other adult resident, as defined  
7 in sub. (3p) (a), of the long-term kinship care relative's home to determine if the  
8 long-term kinship care relative, employe, prospective employe or adult resident has  
9 any arrests or convictions that are likely to adversely affect the child or the  
10 long-term kinship care relative's ability to care for the child.

11 4m. Subject to sub. (3p) (fm) 1m. and 2m., the long-term kinship care relative  
12 states that he or she does not have any arrests or convictions that could adversely  
13 affect the child or the long-term kinship care relative's ability to care for the child  
14 and that, to the best of the long-term kinship care relative's knowledge, no adult  
15 resident, as defined in sub. (3p) (a), and no employe or prospective employe of the  
16 long-term kinship care relative who would have regular contact with the child has  
17 any arrests or convictions that could adversely affect the child or the long-term  
18 kinship care relative's ability to care for the child.

19 5. The long-term kinship care relative cooperates with the county department  
20 in the application process, including applying for other forms of assistance for which  
21 the long-term kinship care relative may be eligible.

22 5m. The long-term kinship care relative is not receiving payments under sub.  
23 (3m) with respect to the child.

24 6. The county department and long-term kinship care relative enter into a  
25 written agreement under which the long-term kinship care relative agrees to

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1 provide care and maintenance for the child and the county department agrees,  
2 subject to sub. (3p) (h), to make monthly payments to the long-term kinship care  
3 relative at the rate specified in sub. (3m) (am) (intro.) until the earliest of the  
4 following:

5 a. The date on which the child attains the age of 18 years.

6 b. The date on which the child dies.

7 c. The date on which the child is placed outside the long-term kinship care  
8 relative's home under a court order or under a voluntary agreement under s. 48.63.

9 d. The date on which the child ceases to reside with the long-term kinship care  
10 relative.

11 e. The date on which the long-term kinship care's guardianship under s. 48.977  
12 terminates.

13 f. The date on which the child moves out of the state.

14 (ar) Subject to sub. (3p) (fm) 1m. and (h), a county department shall enter into  
15 an agreement under par. (am) 6. if all of the following conditions are met:

16 1. All of the conditions in par. (am) 1. to 5m. are met.

17 2. The applicant has expressed a willingness to enter into the agreement.

18 (b) 1. The county department shall refer to the attorney responsible for support  
19 enforcement under s. 59.53 (6) (a) the name of the parent or parents of a child for  
20 whom a payment is made under par. (am).

21 2. When any long-term kinship care relative of a child applies for or receives  
22 payments under this subsection, any right of the child or the child's parent to support  
23 or maintenance from any other person, including any right to unpaid amounts  
24 accrued at the time of application and any right to amounts accruing during the time  
25 that payments are made under this subsection, is assigned to the state. If a child is

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1 the beneficiary of support under a judgment or order that includes support for one  
2 or more children who are not the beneficiaries of payments under this subsection,  
3 any support payment made under the judgment or order is assigned to the state in  
4 the amount that is the proportionate share of the child who is the beneficiary of the  
5 payment made under this subsection, except as otherwise ordered by the court on the  
6 motion of a party.

7 (c) The county department shall require the parent or parents of a child for  
8 whom a payment is made under par. (am) to initiate or continue health care  
9 insurance coverage for the child.

10 (cm) A long-term kinship care relative who receives a payment under par. (am)  
11 for providing care and maintenance for a child is not eligible to receive a payment  
12 under sub. (3m) or s. 48.62 (4) for that child.

13 (d) The county department shall, at least once every 12 months after the county  
14 department begins making payments under this subsection, determine whether any  
15 of the events specified in par. (am) 6. a. to f. have occurred. If any such events have  
16 occurred, the county department shall discontinue making those payments.

17 (e) The department shall determine whether the child is eligible for medical  
18 assistance under ss. 49.43 to 49.47.

NOTE: Creates the long-term kinship care program described above in the  
PREFATORY NOTE.

19 **SECTION 9.** 48.57 (3n) (am) (intro.) of the statutes, as created by 1997 Wisconsin  
20 Act .... (this act), is amended to read:

21 48.57 **(3n)** (am) (intro.) From the appropriations under s. 20.435 ~~(7) (b) and (c)~~  
22 ~~(3) (cz) and (kc)~~, the department shall reimburse counties for payments made under  
23 this subsection. A county department shall make monthly payments for each child

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1 in the amount specified in sub. (3m) (am) (intro.) to a long-term kinship care relative  
2 who is providing care and maintenance for that child if all of the following conditions  
3 are met:

NOTE: This SECTION and the previous SECTION set forth alternative appropriations to fund the long-term kinship care program. If the biennial budget act provides that kinship care payments are to be made from the appropriation for foster care, kinship care and aid to minor custodial parents and from the appropriation for interagency and intra-agency funds, then this SECTION, which provides that those appropriations must also be used to fund long-term kinship care payments, applies. On the other hand, if the biennial budget act does not provide that kinship care payments are to be made from the appropriation for foster care, kinship care and aid to minor custodial parents and from the appropriation for interagency and intra-agency funds and uses the community aids appropriations for that purpose as under current law, then the previous SECTION, which provides that the community aids appropriations must also be used to fund long-term kinship care payments, applies.

4 **SECTION 10.** 48.57 (3p) (a) of the statutes is amended to read:

5 48.57 (3p) (a) In this subsection, “adult resident” means a person 18 years of  
6 age or over who lives at the home of a person who has applied for or is receiving  
7 payments under sub. (3m) or (3n) with the intent of making that home his or her  
8 home or who lives for more than 30 days cumulative in any 6-month period at the  
9 home of a person who has applied for or is receiving payments under sub. (3m) or (3n).

NOTE: With respect to the definition of “adult resident” for purposes of criminal background investigations, reflects the creation of the long-term kinship care program by this bill.

10 **SECTION 11.** 48.57 (3p) (b) 1. of the statutes is amended to read:

11 48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)  
12 or (3n), the county department, with the assistance of the department of justice, shall  
13 conduct a background investigation of the applicant.

NOTE: Requires the county department to conduct a criminal background investigation of an applicant for long-term kinship care payments.

14 **SECTION 12.** 48.57 (3p) (b) 3. of the statutes is created to read:

15 48.57 (3p) (b) 3. The county department, with the assistance of the department  
16 of justice, may conduct a background investigation of any person who is receiving

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1 payments under sub. (3n) at any time that the county department considers to be  
2 appropriate.

NOTE: Permits the county department to conduct a criminal background investigation of a long-term kinship care relative at any time that the county department considers to be appropriate.

3 **SECTION 13.** 48.57 (3p) (c) 1. of the statutes is amended to read:

4 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)  
5 or (3n), the county department, with the assistance of the department of justice,  
6 shall, in addition to the investigation under par. (b) 1., conduct a background  
7 investigation of all employes and prospective employes of the applicant who have or  
8 would have regular contact with the child for whom those payments are being made  
9 and of each adult resident.

NOTE: Requires the county department to conduct criminal background investigations of the employes and prospective employes of a long-term kinship care relative who have or would have regular contact with the child and of the adult residents of a long-term kinship care relative's home.

10 **SECTION 14.** 48.57 (3p) (c) 2m. of the statutes is created to read:

11 48.57 (3p) (c) 2m. The county department, with the assistance of the  
12 department of justice, may conduct a background investigation of any of the  
13 employes or prospective employes of any person who is receiving payments under  
14 sub. (3n) who have or would have regular contact with the child for whom payments  
15 are being made and of each adult resident at any time that the county department  
16 considers to be appropriate.

NOTE: Permits the county department to conduct a criminal background investigation of a long-term kinship care relative's employes or prospective employes who have or would have regular contact with the child or any adult resident of the long-term kinship care relative's home at any time the county department considers to be appropriate.

17 **SECTION 15.** 48.57 (3p) (c) 3. of the statutes is amended to read:

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1           48.57 (3p) (c) 3. Before a person ~~that~~ who is receiving payments under sub. (3m)  
2 or (3n) may employ any person in a position in which that person would have regular  
3 contact with the child for whom those payments are being made or permit any person  
4 to be an adult resident, the county department, with the assistance of the  
5 department of justice, shall conduct a background investigation of the prospective  
6 employe or prospective adult resident unless that person has already been  
7 investigated under subd. 1. ~~or~~, 2. or 2m.

NOTE: Requires the county department to conduct a criminal background investigation of any prospective employe of a long-term kinship care relative who would have regular contact with the child and of any prospective adult resident of the long-term kinship care relative's home before the long-term kinship care relative may employ the person or permit the person to reside in his or her home.

8           **SECTION 16.** 48.57 (3p) (fm) 1m. of the statutes is created to read:

9           48.57 (3p) (fm) 1m. The county department may not enter into the agreement  
10 under sub. (3n) (am) 6. unless that county department receives information from the  
11 department of justice relating to the conviction record of the applicant under the law  
12 of this state and that record indicates either that the applicant has not been arrested  
13 or convicted or that the applicant has been arrested or convicted but the director of  
14 the county department determines that the conviction record is satisfactory because  
15 it does not include any arrest or conviction that the director determines is likely to  
16 adversely affect the child or the long-term kinship care relative's ability to care for  
17 the child. The county department may make payments under sub. (3n) conditioned  
18 on the receipt of information from the federal bureau of investigation indicating that  
19 the person's conviction record under the law of any other state or under federal law  
20 is satisfactory because the conviction record does not include any arrest or conviction  
21 that the director of the county department determines is likely to adversely affect the  
22 child or the long-term kinship care relative's ability to care for the child.

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NOTE: See the NOTE following SECTION 18.

1           **SECTION 17.** 48.57 (3p) (fm) 2m. of the statutes is created to read:  
2           48.57 **(3p)** (fm) 2m. A person receiving payments under sub. (3n) may  
3           provisionally employ a person in a position in which that person would have regular  
4           contact with the child for whom those payments are being made or provisionally  
5           permit a person to be an adult resident if the person receiving those payments states  
6           to the county department that, to the best of his or her knowledge, the employe or  
7           adult resident does not have any arrests or convictions that could adversely affect the  
8           child or the ability of the person receiving payments to care for the child. A person  
9           receiving payment under sub. (3n) may not finally employ a person in a position in  
10          which that person would have regular contact with the child for whom those  
11          payments are being made or finally permit a person to be an adult resident until the  
12          county department receives information from the department of justice relating to  
13          the person's conviction record under the law of this state and that record indicates  
14          either that the person has not been arrested or convicted or that the person has been  
15          arrested or convicted but the director of the county department determines that the  
16          conviction record is satisfactory because it does not include any arrest or conviction  
17          that is likely to adversely affect the child or the long-term kinship care relative's  
18          ability to care for the child and the county department so advises the person receiving  
19          payments under sub. (3n). A person receiving payments under sub. (3n) may finally  
20          employ a person in a position in which that person would have regular contact with  
21          the child for whom those payments are being made or finally permit a person to be  
22          an adult resident conditioned on the receipt of information from the county  
23          department that the federal bureau of investigation indicates that the person's  
24          conviction record under the law of any other state or under federal law is satisfactory

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1 because the conviction record does not include any arrest or conviction that the  
2 director of the county department determines is likely to adversely affect the child  
3 or the long-term kinship care relative's ability to care for the child.

NOTE: See the NOTE following the SECTION 18.

4 **SECTION 18.** 48.57 (3p) (h) of the statutes is created to read:

5 48.57 (3p) (h) A county department may not make payments to a person under  
6 sub. (3n) and a person receiving payments under sub. (3n) may not employ a person  
7 in a position in which that person would have regular contact with the child for whom  
8 payments are being made or permit a person to be an adult resident if the director  
9 of the county department determines that the person has any arrest or conviction  
10 that is likely to adversely affect the child or the long-term kinship care relative's  
11 ability to care for the child.

NOTE: The previous 3 SECTIONS create provisions which are similar to the criminal background investigation provisions under the kinship care program under s. 48.57 (3m), stats., but differ in that kinship care payments may not be made if either the person applying for kinship care payments, a person permitted to be an adult resident in the home of the kinship care relative or a person employed by the kinship care relative in a position in which that employe would have regular contact with the child has been convicted of certain crimes which are specified in s. 48.57 (3p) (g) 1. to 3., stats. In contrast, conviction of one of those specified crimes does not result in automatic exclusion for long-term kinship care payments. Rather, if there is a record of arrest or conviction, a person may not receive long-term kinship care payments unless the director of the county department determines that any arrest or conviction is not likely to adversely affect the child or the long-term kinship care relative's ability to care for the child.

12 **SECTION 19.** 48.57 (3t) of the statutes is amended to read:

13 48.57 (3t) Notwithstanding subs. (3m), (3n) and (3p), the department may  
14 enter into an agreement with the governing body of a federally recognized American  
15 Indian tribe or band to allow that governing body to administer the program under  
16 subs. (3m), (3n) and (3p) within the boundaries of that reservation. Any such  
17 agreement with respect to administration of the program under sub. (3n) shall

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1 specify who is to make any determination as to whether a conviction record is  
2 satisfactory.

NOTE: Does the following:

1. Amends the provision which allows DHFS to enter into an agreement with an Indian tribe to administer the kinship care program to add a parallel provision for the long-term kinship care program and a parallel provision for an Indian *band*.

2. Provides that with respect to the long-term kinship care program, the agreement must specify who is to make the decision as to whether a conviction record is satisfactory.

3 **SECTION 20.** 49.155 (1m) (a) (intro.) of the statutes is amended to read:

4 49.155 **(1m)** (a) (intro.) The individual is a custodial parent of a child who is  
5 under the age of 13, or is a person who, under s. 48.57 (3m) or (3n), is providing care  
6 and maintenance for a child who is under the age of 13, and child care services for  
7 that child are needed in order for the individual to do any of the following:

NOTE: Current law provides, in pertinent part, that a kinship care relative who is providing care and maintenance for a child who is under age 13 may be eligible for a Wisconsin works child care subsidy under certain circumstances. This bill adds a parallel provision for a long-term kinship care relative, as defined in s. 48.57 (3n), stats., as created by the bill.

8 **SECTION 21.** 49.22 (6) of the statutes is amended to read:

9 49.22 **(6)** The department shall establish, pursuant to federal and state laws,  
10 rules and regulations, a uniform system of fees for services provided under this  
11 section to individuals not receiving aid under s. 46.261, 49.19 or 49.47 or benefits  
12 under s. 49.148, 49.153 or 49.155 and to individuals not receiving kinship care  
13 payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57  
14 (3n). The system of fees may take into account an individual's ability to pay. Any fee  
15 paid and collected under this subsection may be retained by the county providing the  
16 service except for the fee specified in 42 USC 653 (e) (2) for federal parent locator  
17 services.

NOTE: Current law provides that the uniform system of fees established by DHFS for services under s. 49.22, stats., that is, for services related to the child and spousal support and establishment of paternity and medical liability support program, do not apply to certain persons, including individuals receiving kinship care payments under s.

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48.57 (3m), stats. This bill adds a parallel provision for individuals receiving long-term kinship care payments under s. 48.57 (3n), stats., as created by the bill.

1       **SECTION 22.** 49.22 (7m) of the statutes is amended to read:

2       49.22 (7m) The department may contract with or employ a collection agency  
3 or other person to enforce a support obligation of a parent who is delinquent in  
4 making support payments and may contract with or employ an attorney to appear  
5 in an action in state or federal court to enforce such an obligation. To pay for the  
6 department's administrative costs of implementing this subsection, the department  
7 may charge a fee to counties, retain up to 50% of any incentive payment made to this  
8 state under 42 USC 658 for a collection under this subsection, and retain 30% of this  
9 state's share of a collection made under this subsection on behalf of a recipient of aid  
10 to families with dependent children or a recipient of kinship care payments under  
11 s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n).

NOTE: With respect to collections made under the child and spousal support enforcement program, adds a provision to include collections made on behalf of a recipient of long-term kinship care payments under s. 48.57 (3n), stats., as created by the bill, on the same basis as collections made on behalf of a recipient of kinship care payments under s. 48.57 (3m), stats.

12       **SECTION 23.** 49.23 (1) of the statutes is amended to read:

13       49.23 (1) From the appropriation under s. 20.445 (3) (cb), the department shall  
14 award grants to counties for programs to revise child support orders. Each county  
15 receiving a grant shall review child support orders awarded to persons who receive  
16 benefits under s. 48.57 (3m) or (3n) or 49.148 or whose children receive benefits under  
17 s. 49.19 and to persons who do not receive benefits under s. 48.57 (3m) or (3n) or  
18 49.148 and whose children do not receive benefits under s. 49.19 and shall initiate  
19 actions to revise the orders based on that review. Each county receiving a grant shall  
20 review child support orders awarded to persons who receive benefits under s. 48.57  
21 (3m) or (3n) or 49.148 or whose children receive benefits under s. 49.19 and child

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1 support orders awarded to persons who do not receive benefits under s. 48.57 (3m)  
2 or (3n) or 49.148 and whose children do not receive benefits under s. 49.19 in  
3 proportion to the number of those 2 categories of orders in the county's child support  
4 case load. Before a county may initiate an action to revise a child support order under  
5 this subsection for a person who does not receive benefits under s. 48.57 (3m) or (3n)  
6 or 49.148 and whose children do not receive benefits under s. 49.19, the custodial  
7 parent of the children must voluntarily consent to the revision.

NOTE: With respect to the child support order revision program, adds provisions to include child support orders awarded to persons who receive long-term kinship care payments under s. 48.57 (3n), stats., as created by the bill, on the same basis as child support orders awarded to persons who receive kinship care payments under s. 48.57 (3m), stats.

8 **SECTION 24.** 49.23 (2) (a) 1. of the statutes is amended to read:

9 49.23 (2) (a) 1. Provides an incentive for a county to increase its child support  
10 collections for persons who receive benefits under s. 48.57 (3m) or (3n) or 49.148 or  
11 whose children receive benefits under s. 46.261 or 49.19 as well as for persons who  
12 do not receive benefits under s. 48.57 (3m) or (3n) or 49.148 and whose children do  
13 not receive benefits under s. 46.261 or 49.19.

NOTE: With respect to the child support collection incentive program, adds provisions to include child support collections for person who receive long-term kinship care payments under s. 48.57 (3n), stats., as created by the bill, on the same basis as child support collections for persons who receive kinship care payments under s. 48.57 (3m), stats.

14 **SECTION 25.** 49.46 (1) (a) 5. of the statutes is amended to read:

15 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care,  
16 long-term kinship care or treatment foster care placement under ch. 48 or 938, as  
17 determined by the department.

NOTE: See NOTE following the next SECTION.

18 **SECTION 26.** 49.46 (1) (a) 16. of the statutes is amended to read:

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1           49.46 (1) (a) 16. Any child who is living with a relative who is eligible to receive  
2 payments under s. 48.57 (3m) or (3n) with respect to that child, if the department  
3 determines that no other insurance is available to the child.

NOTE: Current law provides that certain individuals are eligible for MA, including a child who is in a kinship care placement under ch. 48, stats., as determined by DHFS, or a child who is living with a relative who is eligible to receive kinship care payments with respect to the child, if DHFS determines that no other insurance is available to the child. This bill adds a parallel provision for a long-term kinship care relative, as defined in s. 48.57 (3n), stats., as created by this bill.

4           **SECTION 27.** 49.96 of the statutes is amended to read:

5           **49.96 Assistance grants exempt from levy.** All grants of aid to families with  
6 dependent children, payments made under ss. 48.57 (3m) or (3n) or 49.148 (1) (b) to  
7 49.159, payments made for social services, cash benefits paid by counties under s.  
8 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every  
9 tax, and from execution, garnishment, attachment and every other process and shall  
10 be inalienable.

NOTE: Current law provides that certain types of assistance payments, including kinship care payments under s. 48.57 (3m), stats., are exempt from levy. This bill adds a parallel exemption for long-term kinship care payments under s. 48.57 (3n), stats., as created by the bill.

11           **SECTION 28.** 767.045 (1) (c) 1. of the statutes is amended to read:

12           767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m) or (3n), 49.19 or  
13 49.45 on behalf of the child, or benefits are provided to the child's custodial parent  
14 under ss. 49.141 to 49.161, but the state and its delegate under s. 49.22 (7) are barred  
15 by a statute of limitations from commencing an action under s. 767.45 on behalf of  
16 the child.

NOTE: With respect to the circumstances under which a guardian ad litem is appointed for a child in an action involving the family when requested by the IV-D attorney, adds a provision to require the court, if so requested, to appoint a guardian ad litem, if long-term kinship care payments under s. 48.57 (3n), stats., as created by the bill, are paid on behalf of the child on the same basis as if kinship care payments under s. 48.57 (3m), stats., are paid on behalf of the child.

17           **SECTION 29.** 767.075 (1) (c) and (cm) of the statutes are amended to read:

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1           767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19 or 49.45  
2 is provided on behalf of a dependent child or benefits are provided to the child's  
3 custodial parent under ss. 49.141 to 49.161.

4           (cm) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19 or 49.45 has, in  
5 the past, been provided on behalf of a dependent child, or benefits have, in the past,  
6 been provided to the child's custodial parent under ss. 49.141 to 49.161, and the  
7 child's family is eligible for continuing child support services under 45 CFR 302.33.

NOTE: With respect to the circumstances under which the state is a real party in interest for purposes of establishing paternity and securing reimbursement of aid paid, future support and costs as appropriate in an action affecting the family, adds a provision to provide that the state is a real party in interest when long-term kinship care payments under s. 48.57 (3n), stats., as created by the bill, are provided or in the past have been provided on behalf of a dependent child on the same basis as the state is a real party in interest when kinship care payments under s. 48.57 (3m), stats., are provided or in the past have been provided on behalf of a dependent child.

8           **SECTION 30.** 767.077 (intro.) of the statutes is amended to read:

9           **767.077 Support for dependent child.** (intro.) The state or its delegate  
10 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.02  
11 (1) (f) or, if appropriate, for paternity determination and child support under s.  
12 767.45 whenever the child's right to support is assigned to the state under s. 46.261,  
13 48.57 (3m) (b) 2. or (3n) (b) 2. or 49.19 (4) (h) 1. b. if all of the following apply:

NOTE: With respect to when the state must bring an action for paternity determination and child support, adds a provision to require the state to bring such an action when the child's right to support is assigned to the state under the long-term kinship care program under s. 48.57 (3n) (b) 2., stats., as created by the bill, on the same basis as the state is required to bring such an action when the child's right to support is assigned to the state under the kinship care program under s. 48.57 (3m) (b) 2., stats.

14           **SECTION 31.** 767.078 (1) (a) 2. of the statutes is amended to read:

15           767.078 (1) (a) 2. The child's right to support is assigned to the state under s.  
16 48.57 (3m) (b) 2. or (3n) (b) 2. or 49.19 (4) (h) 1. b.

NOTE: With respect to orders for a parent to seek employment or to participate in job training in a "case involving a dependent child", as defined in s. 767.078, stats., includes in that definition an action in which the child's right to support is assigned to the state under the long-term kinship care program under s. 48.57 (3n) (b) 2., stats., as

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created by the bill, on the same basis as that definition includes an action in which the child's right to support is assigned to the state under the kinship care program under s. 48.57 (3m) (b) 2., stats.

1           **SECTION 32.** 767.29 (1m) (c) of the statutes is amended to read:

2           767.29 (1m) (c) The party entitled to the support or maintenance money has  
3 applied for or is receiving aid to families with dependent children and there is an  
4 assignment to the state under s. ~~48.57 (3m) (b) 2.~~ or 49.19 (4) (h) 1. b. of the party's  
5 right to the support or maintenance money.

NOTE: See NOTE following the next SECTION.

6           **SECTION 33.** 767.29 (1m) (cm) of the statutes is created to read:

7           767.29 (1m) (cm) A kinship care relative or a long-term kinship care relative  
8 of the child who is entitled to the support money has applied for or is receiving  
9 kinship care payments or long-term kinship care payments for that child and there  
10 is an assignment to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2. of the child's right  
11 to the support money.

NOTE: With respect to the receipt and disbursement of child support and family support payments, permits the clerk of court or the support collection designee to hold any overpayment if a long-term kinship care relative of the child who is entitled to the payment has applied for or is receiving long-term kinship care payments and there is an assignment to the state of the child's right to support under the long-term kinship care program under s. 48.57 (3n) (b) 2., stats., as created by the bill, on the same basis as the clerk of court or the support collection designee may hold any overpayment if a kinship care relative of the child who is entitled to the payment has applied for or is receiving kinship care payments and there is an assignment to the state of the child's right to support under the kinship care program under s. 48.57 (3m) (b) 2., stats.

12           **SECTION 34.** 767.29 (2) of the statutes is amended to read:

13           767.29 (2) If any party entitled to maintenance payments or support money,  
14 or both, is receiving public assistance under ch. 49, the party may assign the party's  
15 right thereto to the county department under s. 46.215, 46.22 or 46.23 granting such  
16 assistance. Such assignment shall be approved by order of the court granting the  
17 maintenance payments or support money, and may be terminated in like manner;

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1 except that it shall not be terminated in cases where there is any delinquency in the  
2 amount of maintenance payments and support money previously ordered or  
3 adjudged to be paid to the assignee without the written consent of the assignee or  
4 upon notice to the assignee and hearing. When an assignment of maintenance  
5 payments or support money, or both, has been approved by the order, the assignee  
6 shall be deemed a real party in interest within s. 803.01 but solely for the purpose  
7 of securing payment of unpaid maintenance payments or support money adjudged  
8 or ordered to be paid, by participating in proceedings to secure the payment thereof.  
9 Notwithstanding assignment under this subsection, and without further order of the  
10 court, the clerk of court or support collection designee, upon receiving notice that a  
11 party or a minor child of the parties is receiving aid under s. 49.19 or that a kinship  
12 care relative or long-term kinship care relative of the minor child is receiving  
13 kinship care payments or long-term kinship care payments for the minor child, shall  
14 forward all support assigned under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) 1.  
15 or 49.45 (19) to the department.

NOTE: With respect to the receipt and disbursement of child support and family support payments, requires the clerk of court or support collection designee, on receiving notice that a long-term kinship care relative of a minor child who is entitled to child support is receiving long-term kinship care payments, to forward all support assigned under the long-term kinship care program under s. 48.57 (3n) (b) 2., stats., as created by the bill, to DHFS on the same basis as the clerk of court or support collection designee, on receiving notice that a kinship care relative of a minor child who is entitled to child support is receiving kinship care payments, forwards all support assigned under the kinship care program under s. 48.57 (3m) (b) 2., stats., to DHFS.

16 **SECTION 35.** 767.29 (4) of the statutes is amended to read:

17 767.29 (4) If an order or judgment providing for the support of one or more  
18 children not receiving aid under s. 48.57 (3m) or (3n) or 49.19 includes support for  
19 a minor who is the beneficiary of aid under s. 48.57 (3m) or (3n) or 49.19, any support  
20 payment made under the order or judgment is assigned to the state under s. 48.57

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1 (3m) (b) 2. or (3n) (b) 2. or 49.19 (4) (h) 1. b. in the amount that is the proportionate  
2 share of the minor receiving aid under s. 48.57 (3m) or (3n) or 49.19, except as  
3 otherwise ordered by the court on the motion of a party.

NOTE: With respect to the receipt and disbursement of child support and family support payments, requires a support payment under an order that provides both for the support of a child who is not receiving aid under the long-term kinship care program and for the support of a child who is receiving that aid to be assigned to the state under the long-term kinship care program under s. 48.57 (3n) (b) 2., stats., as created by the bill, in an amount that is the proportionate share of the child receiving that aid on the same basis as a support payment under an order that provides both for the support of a child who is not receiving aid under the kinship care program and for the support of a child who is receiving that aid must be assigned to the state under the kinship care program under s. 48.57 (3m) (b) 2., stats., in an amount that is the proportionate share of the child receiving that aid.

4 **SECTION 36.** 767.32 (1) (a) of the statutes is amended to read:

5 767.32 (1) (a) After a judgment or order providing for child support under this  
6 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2), 938.355 (2) (b) 4.,  
7 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or  
8 family support payments under this chapter, or for the appointment of trustees  
9 under s. 767.31, the court may, from time to time, on the petition, motion or order to  
10 show cause of either of the parties, or upon the petition, motion or order to show cause  
11 of the department, a county department under s. 46.215, 46.22 or 46.23 or a child  
12 support program designee under s. 59.53 (5) if an assignment has been made under  
13 s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.153 (3), 49.19 (4) (h) or 49.45 (19) or if  
14 either party or their minor children receive aid under s. 48.57 (3m) or (3n) or ch. 49,  
15 and upon notice to the family court commissioner, revise and alter such judgment or  
16 order respecting the amount of such maintenance or child support and the payment  
17 thereof, and also respecting the appropriation and payment of the principal and  
18 income of the property so held in trust, and may make any judgment or order  
19 respecting any of the matters that such court might have made in the original action,

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1       except that a judgment or order that waives maintenance payments for either party  
2       shall not thereafter be revised or altered in that respect nor shall the provisions of  
3       a judgment or order with respect to final division of property be subject to revision  
4       or modification. A revision, under this section, of a judgment or order with respect  
5       to an amount of child or family support may be made only upon a finding of a  
6       substantial change in circumstances. In any action under this section to revise a  
7       judgment or order with respect to maintenance payments, a substantial change in  
8       the cost of living by either party or as measured by the federal bureau of labor  
9       statistics may be sufficient to justify a revision of judgment or order with respect to  
10      the amount of maintenance, except that a change in an obligor's cost of living is not  
11      in itself sufficient if payments are expressed as a percentage of income.

NOTE: With respect to the revision of certain judgments or orders, including judgments or orders providing for child support, adds a provision to permit DHFS, a county department or a child support program designee to petition for the revision of such an order if the child's right to support has been assigned under the long-term kinship care program under s. 48.57 (3n) (b) 2., stats., as created by the bill, on the same basis as DHFS, a county department or a child support program designee may petition for the revision of such an order if the child's right to support has been assigned under the kinship care program under s. 48.57 (3m) (b) 2., stats.

12           **SECTION 37.** 767.47 (6) of the statutes is amended to read:

13           767.47 **(6)** (a) Whenever the state brings the action to determine paternity  
14      pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.153 (3)  
15      (a), 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157  
16      or 49.159, the natural mother of the child may not be compelled to testify about the  
17      paternity of the child if it has been determined that the mother has good cause for  
18      refusing to cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B)  
19      and the federal regulations promulgated pursuant to this statute, as of July 1, 1981,  
20      and pursuant to any rules promulgated by the department which define good cause

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1 in accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B)  
2 in effect on July 1, 1981.

3 (b) Nothing in par. (a) prevents the state from bringing an action to determine  
4 paternity pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 49.153  
5 (3) (a), 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155,  
6 49.157 or 49.159, where evidence other than the testimony of the mother may  
7 establish the paternity of the child.

NOTE: With respect to testimony and evidence relating to paternity, adds a provision to include a reference to the state bringing an action to determine paternity pursuant to an assignment of the child's right to support under the long-term kinship care program under s. 48.57 (3n) (b) 2., stats., as created by the bill, on the same basis as there is a reference to the state bringing an action to determine paternity pursuant to an assignment of the child's right to support under the kinship care program under s. 48.57 (3m) (b) 2., stats.

8 **SECTION 38. Nonstatutory provisions; health and family services.**

9 (1) RECONCILIATION PROVISIONS.

10 (a) If 1997 Wisconsin Act ... (Assembly Bill 100) creates section 20.435 (3) (cz),  
11 (kc) and (kd) of the statutes and the schedule entries for those appropriations, as  
12 shown in Assembly Substitute Amendment 1 to 1997 Assembly Bill 100, then the  
13 repeal and recreation of section 20.435 (3) (cz), (kc) and (kd) of the statutes by this  
14 act, the insertion of the schedule entries for those appropriations by this act and the  
15 amendment of section 48.57 (3n) (am) (intro.) of the statutes by this act take effect.

16 (b) If 1997 Wisconsin Act ... (Assembly Bill 100) does not create section 20.435  
17 (3) (cz), (kc) and (kd) of the statutes and the schedule entries for those appropriations,  
18 as shown in Assembly Substitute Amendment 1 to 1997 Assembly Bill 100, then the  
19 repeal and recreation of section 20.435 (3) (cz), (kc) and (kd) of the statutes by this  
20 act, the insertion of the schedule entries for those appropriations by this act and the  
21 amendment of section 48.57 (3n) (am) (intro.) of the statutes by this act are void.

