



1999 ASSEMBLY BILL 706

February 1, 2000 – Introduced by Representatives ALBERS, LA FAVE, STONE, LADWIG, BOCK, SERATTI, KESTELL, MUSSER, RHOADES, BRANDEMUEHL, SYKORA, KREUSER, OWENS, ZIEGELBAUER, WAUKAU, PETTIS, J. LEHMAN, GRONEMUS, MILLER, SPILLNER, LASSA, BERCEAU, KLUSMAN and GUNDERSON, cosponsored by Senators MOORE, ROSENZWEIG, SCHULTZ, DARLING, GROBSCHMIDT, PLACHE, GEORGE and A. LASEE. Referred to Committee on Children and Families.

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

Analysis by the Legislative Reference Bureau

Under current law, certain relatives of a child who provide care and maintenance for the child and who meet certain other conditions are eligible for payments in the amount of \$215 per month under the kinship care and long-term kinship care programs. Currently, for purposes of eligibility to receive those payments, “child” is defined as a person who is less than 18 years of age. Current law, however, for purposes of eligibility to participate in certain other public assistance programs, such as the foster care, Wisconsin works, medical assistance

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and badger care programs, includes in the definition of “child” a person under 19 years of age who is a full-time student at a secondary school or its vocational or technical equivalent and who is reasonably expected to complete the program before reaching 19 years of age. This bill includes a person 18 years of age or over, but under 19 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and who is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma in the definition of “child” for purposes of eligibility for payments under the kinship care and long-term kinship care programs.

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

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

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

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

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

13 48.57 (3m) (a) (intro.) In this subsection, ~~“kinship care relative”;~~

14 2. “Kinship care relative” means a stepparent, brother, sister, stepbrother,
15 stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding
16 generation as denoted by the prefix of grand, great or great-great, whether by

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1 consanguinity, direct affinity or legal adoption, or the spouse of any person named
2 in this paragraph, even if the marriage is terminated by death or divorce.

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

4 48.57 (3m) (a) 1. "Child" means a person under 18 years of age or a person 18
5 years of age or over, but under 19 years of age, who is a full-time student in good
6 academic standing at a secondary school or its vocational or technical equivalent and
7 who is reasonably expected to complete his or her program of study and be granted
8 a high school or high school equivalency diploma.

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

10 48.57 (3m) (am) 2. The county department or department determines that the
11 child meets one or more of the criteria specified in s. 48.13 or 938.13 ~~or~~, that the child
12 would be at risk of meeting one or more of those criteria if the child were to remain
13 in his or her home or, if the child is 18 years of age or over, that the child would meet
14 or be at risk of meeting one or more of those criteria as specified in this subdivision
15 if the child were under 18 years of age.

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

18 48.57 (3n) (a) (intro.) In this subsection, ~~"long-term kinship care relative";~~

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

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

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

6 **SECTION 7.** 48.57 (3n) (am) 6. a. of the statutes is amended to read:

7 48.57 (3n) (am) 6. a. The date on which the child attains the age of 18 years or
8 if on that date the child is a full-time student in good academic standing at a
9 secondary school or its vocational or technical equivalent and is reasonably expected
10 to complete his or her program of study and be granted a high school or high school
11 equivalency diploma, the date on which the child is granted a high school or high
12 school equivalency diploma or the date on which the child attains the age of 19 years,
13 whichever occurs first.

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

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

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

19 118.175 (1) This section does not apply to a pupil who has a legal custodian, as
20 defined in s. 48.02 (11) or 938.02 (11), or who is cared for by a kinship care relative,
21 as defined in s. 48.57 (3m) (a) 2.

22 **SECTION 10. Effective date.**

