

1975 Assembly Bill 764

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CHAPTER 307, Laws of 1975

AN ACT to repeal 48.56 (1) (b); and to amend 46.22 (6), 48.06 (2) (b), 48.43 (1) (am), 48.66, 48.67 (title) and (1), 48.69, 48.70 (4), 48.88 (2) (b), 49.09 (1), 49.19 (3) (a), 49.50 (2) and 49.51 (2) (a) (intro.) of the statutes, relating to remedial legislation requested by the department of health and social services.

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

SECTION 1. 46.22 (6) of the statutes is amended to read:

46.22 (6) MERIT SYSTEM STATUS. ~~The provisions of s. Section 49.50 (2) to (5) shall be applicable to the county department of public welfare created by this section. Such merit system status as any county employe may have on January 1, 1954 shall not be deemed changed or interrupted by the provisions hereof; provided that any county agency employe performing children's services on said date becoming subject to the provisions of s. 49.50 (2) to (5) shall be admitted to a merit system examination pursuant to s. 49.50 (2) to (5) regardless of the minimum qualifications established for such position.~~

SECTION 2. 48.06 (2) (b) of the statutes is amended to read:

48.06 (2) (b) By authorizing the county welfare department to provide such services in accordance with s. 46.22 ~~or by providing such services through a county children's board established in accordance with s. 48.29 or 59.08 (9a), Stats. 1953.~~

SECTION 3. 48.43 (1) (am) of the statutes is amended to read:

48.43 (1) (am) A county department of public welfare ~~or county children's board which has been licensed by the department;~~ or

SECTION 4. 48.56 (1) (b) of the statutes is repealed.

SECTION 5. 48.66 of the statutes is amended to read:

48.66 Licensing duties of the department. The department shall license and supervise child welfare agencies, as required by s. 48.60, foster homes, as required by s. 48.62, day care centers, as required by s. 48.65, and may license and supervise county departments of public welfare ~~or county children's boards~~ for the purposes stated in s. 48.43 (1) (am) in accordance with the procedures specified in ss. 48.67 to 48.74.

SECTION 6. 48.67 (title) and (1) of the statutes are amended to read:

48.67 (title) Rules governing child welfare agencies, day care centers, foster homes and county department of public welfare. (1) The department shall prescribe 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, and county departments of public welfare ~~or county children's boards under s. 48.43 (1) (am).~~ These 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 industry, labor and human relations and the department of public instruction before prescribing these rules.

SECTION 7. 48.69 of the statutes is amended to read:

48.69 Provisional licenses. A provisional license for a period of 6 months may be issued to any child welfare agency, day care center, ~~or county department of public welfare or county children's board~~ for the purposes of s. 48.43 (1) (am) whose services are needed, but which is temporarily unable to conform to all established minimum requirements. This provisional license may be renewed for 6-month periods up to 2 years.

SECTION 8. 48.70 (4) of the statutes is amended to read:

48.70 (4) (title) **SPECIAL PROVISIONS FOR COUNTY DEPARTMENTS OF PUBLIC WELFARE.** Licenses to county departments of public welfare ~~or county children's boards issued under s. 48.43 (1) (am)~~ shall specify whether it the department may accept guardianship of children and place such children for adoption.

SECTION 9. 48.88 (2) (b) of the statutes is amended to read:

48.88 (2) (b) The investigation and report required by par. (a) is not necessary where the guardian of the child whose recommendation is required files a favorable recommendation and such guardian is either the department, a licensed child welfare agency or a county welfare department ~~or county children's board~~ authorized by s. 48.57 to accept guardianship of a child; but that agency shall file with the court a report on its investigation of the environment and antecedents of the person to be adopted and of the home of the petitioners.

SECTION 10. 49.09 (1) of the statutes is amended to read:

49.09 (1) When a dependent person, other than a recipient of ~~old-age assistance, aid to blind, aid to families with dependent children, or aid to totally and permanently disabled persons~~ aid under federal Title XVI or s. 49.177 is receiving relief elsewhere than at his place of settlement and refuses to return thereto, the officer or agency of

the place administering relief or of the place of settlement may petition the judge of the county court or the judge of any other court of record of the county in which the relief is furnished for an order directing such person to return to his place of settlement. The petition shall state specifically the reasons upon which the order is sought and copies shall be served upon the dependent person, the officer or agency of the place of residence or the place of legal settlement. Notice of hearing shall be served upon the same parties at least 10 days in advance of the hearing. Service may be made personally or by registered mail with return receipt requested.

SECTION 11. 49.19 (3) (a) of the statutes is amended to read:

49.19 (3) (a) After the investigation and report and a finding of eligibility, aid as defined in sub. (1) shall be granted by the county welfare department as the best interest of the child requires. No such aid shall be furnished any person for any period during which he is receiving ~~old-age assistance, aid to the blind or aid to totally and permanently disabled persons~~ aid under federal Title XVI or s. 49.177.

SECTION 12. 49.50 (2) of the statutes is amended to read:

49.50 (2) RULES AND REGULATIONS, MERIT SYSTEM. The department shall adopt rules and regulations, not in conflict with law, for the efficient administration of ~~aid to the blind, old-age assistance, aid to families with dependent children and aid to totally and permanently disabled persons,~~ in agreement with the requirement for federal aid, including the establishment and maintenance of personnel standards on a merit basis. The provisions of this section relating to personnel standards on a merit basis supersede any inconsistent provisions of any law relating to county personnel; but this subsection shall not be construed to invalidate the provisions of s. 46.22 (6).

SECTION 13. 49.51 (2) (a) (intro.) of the statutes is amended to read:

49.51 (2) (a) (intro.) *Administration in counties having a population of 500,000 and others.* In counties having a population of 500,000 or more or in counties electing to be under s. 46.21, the administration of welfare services shall be vested in a department of public welfare under the jurisdiction of the county board of public welfare as provided in s. 46.21 and in conformity with s. 49.50. The director of county institutions and departments shall appoint a director of public welfare and such director of public welfare shall appoint his assistants, ~~provided that the director of public welfare acting on July 13, 1951, shall continue as such director during the balance of his legal tenure. The civil service status of persons presently appointed to the several welfare services hereinafter listed as of July 3, 1949, is continued.~~ The county department of public welfare shall have the following functions, duties and powers, and such other welfare functions as may be delegated to it:
