

1 (e) The department may bill any public or private agency at the rates
2 established by the department for interpreter services for hearing-impaired
3 persons commensurate with the certification or qualification level of the
4 interpreter providing services if the department determines that the agency is
5 required under state or federal law to provide interpreter services to a
6 hearing-impaired person or if the agency agrees to pay for the services.

7 ••87b0416/1••SECTION 872m. 47.10 of the statutes is created to read:

8 47.10 SERVICES TO INJURED HISPANIC WORKERS. (1) From the appropriation
9 under section 20.435 (5) (bm) of the statutes, the department shall allocate
10 \$52,400 in fiscal year 1987-88 and \$52,400 in fiscal year 1988-89 to contract
11 with an organization to provide services to Hispanic workers who have been
12 injured in industrial accidents, including all of the following:

13 (a) Group support and self-help activities.

14 (b) Counseling.

15 (c) Advocacy on behalf of injured workers for appropriate services.

16 (d) Interpreter services.

17 (e) Outreach.

18 (f) Assistance in maximizing utilization of public programs for injured
19 workers including state vocational rehabilitation, worker compensation and
20 unemployment compensation programs and federal social security disability and
21 other programs.

22 (2) The department shall award the contract under sub. (1) on the basis
23 of competitive bids.

24 ••87b1745/2 •• 87b1922/en••SECTION 880am. 48.02 (15m) of the statutes is
25 created to read:

26 48.02 (15m) "Secured correctional facility" means a correctional insti-
27 tution operated by the department for holding in secure custody persons
28 adjudged delinquent.

1 ••87b0661/3 •• 87b1226/2••SECTION 880b. 48.08 (3) (a) of the statutes is
2 repealed and recreated to read:

3 48.08 (3) (a) In addition to the law enforcement authority specified in
4 sub. (2), the superintendent of a juvenile correctional institution and per-
5 sonnel designated by the superintendent of the juvenile correctional insti-
6 tution have the power of law enforcement authorities to take a child into
7 physical custody if they are in prompt pursuit of a child who has run away
8 from a secured correctional facility.

9 ••87b0661/3 •• 87b1226/2••SECTION 880f. 48.17 (2) (f) of the statutes is
10 created to read:

11 48.17 (2) (f) If the act the child committed resulted in personal injury
12 or damage to or loss of the property of another, the municipal court shall, to
13 the extent possible, provide each known victim of the act with the information
14 contained in the notice required under s. 48.346.

15 ••87b0661/3 •• 87b1226/2••SECTION 880g. 48.18 (title) of the statutes is
16 amended to read:

17 48.18 (title) JURISDICTION FOR CRIMINAL PROCEEDINGS FOR CHILDREN 14 OR
18 OLDER; WAIVER HEARING.

19 ••87b0661/3 •• 87b1226/2••SECTION 880h. 48.18 (1) of the statutes is
20 amended to read:

21 48.18 (1) If a child is alleged to have violated s. 940.01 or 940.02 on
22 or after his or her 14th birthday or if a child is alleged to have violated a
23 any state criminal law on or after his or her 16th birthday, the child or
24 district attorney may apply to the court to waive its jurisdiction under this
25 chapter. The judge may initiate a petition for waiver if the judge disquali-
26 fies himself or herself from any future proceedings on the case.

27 SECTION 880i. 48.18 (9) of the statutes is created to read:

1 48.18 (9) If waiver is granted, sub. (1) does not restrict the authority
2 of the district attorney to charge the offense he or she deems is appropriate
3 and does not restrict the authority of any court or jury to convict the child
4 in regard to any offense.

5 ••87b0661/3 •• 87b1226/2••SECTION 880j. 48.23 (1) (am) of the statutes is
6 created to read:

7 48.23 (1) (am) A child subject to a sanction under s. 48.355 (6) (d)
8 shall be entitled to representation by counsel at the hearing under s. 48.355
9 (6) (c).

10 ••87b1745/2 •• 87b1922/en••SECTION 880jc. 48.23 (2m) of the statutes is
11 created to read:

12 48.23 (2m) RIGHT TO COUNSEL; EXTENDED COURT JURISDICTION. A person
13 subject to s. 48.366 shall be represented by counsel at all proceedings under
14 that section, except that the person may waive the right to counsel if the
15 court is satisfied that the waiver is knowingly and voluntarily made and the
16 court accepts the waiver.

17 ••87b1745/2 •• 87b1922/en••SECTION 880jm. 48.23 (4) of the statutes is
18 amended to read:

19 48.23 (4) PROVIDING COUNSEL. In any situation under this section in
20 which a child person has a right to be represented by counsel or is provided
21 counsel at the discretion of the court, except for situations arising under
22 sub. (2) where the child entitled to representation is a parent; and counsel
23 is not knowingly and voluntarily waived; and it appears that the child person
24 is unable to afford counsel in full, or the child person so indicates; the
25 court shall refer the child person to the authority for indigency determi-
26 nations specified under s. 977.07 (1). In any situation under sub. (2) in
27 which a parent is entitled to representation by counsel; counsel is not know-
28 ingly and voluntarily waived; and it appears that the parent is unable to

1 afford counsel in full, or the parent so indicates; the court shall refer the
2 parent to the authority for indigency determinations specified under s. 977.07
3 (1). The court may appoint a guardian ad litem in any appropriate matter. In
4 any other situation under this section in which a person has a right to be
5 represented by counsel or guardian ad litem or is provided counsel or guardian
6 ad litem at the discretion of the court, competent and independent counsel or
7 guardian ad litem shall be provided and reimbursed in any manner suitable to
8 the court regardless of the person's ability to pay.

9 ••87b1690/1••SECTION 880jp. 48.237 (2) of the statutes is amended to
10 read:

11 48.237 (2) The procedures for issuance and filing of a citation, and for
12 forfeitures, stipulations and deposits set forth in ss. 23.50 to 23.67, 23.75
13 (3) and (4), 66.119, 778.25, 778.26 and 800.01 to 800.04 except s. 800.04 (2)
14 (b), when the citation is issued by a law enforcement officer, shall be used
15 as appropriate, except that this chapter shall govern taking and holding a
16 child in custody, s. 48.37 shall govern costs ~~and~~, penalty assessments and
17 jail assessments, and a capias shall be substituted for an arrest warrant.
18 Sections 66.119 (3) (c), 66.12 (1) and 778.10 as they relate to collection of
19 forfeitures do not apply.

20 ••87b1745/2 •• 87b1922/en••SECTION 880jr. 48.243 (1) (b) of the statutes
21 is amended to read:

22 48.243 (1) (b) The nature and possible consequences of the proceedings
23 including the provisions of s. 48.17 ~~or~~ 48.18 and 48.366 if applicable;

24 ••87b0661/3 •• 87b1226/2••SECTION 880k. 48.245 (10) of the statutes is
25 repealed.

26 ••87b1745/2 •• 87b1922/en••SECTION 880km. 48.275 (3) of the statutes is
27 created to read:

1 48.275 (3) This section does not apply to the parents or guardian of a
2 person who is subject to s. 48.366 with respect to the costs of the person's
3 legal representation for a hearing under s. 48.366.

4 ••87b0661/3 •• 87b1226/2••SECTION 880L. 48.299 (1) (am) of the statutes
5 is created to read:

6 48.299 (1) (am) Subject to s. 906.15, if a public hearing is not held, in
7 addition to persons permitted to attend under par. (a), victims of a child's
8 alleged act shall have the right to attend a hearing under s. 48.31 and hear-
9 ings by courts exercising jurisdiction under s. 48.17 (2), based upon the
10 alleged act, except that a judge may exclude victims from any portion of the
11 hearing which deals with sensitive personal matters of the child or the
12 child's family and which do not directly relate to the alleged act committed
13 against the victim. A member of the victim's family and, at the request of
14 the victim, a representative of an organization providing support services to
15 the victim, may attend the hearing under this subsection.

16 ••87b0661/3 •• 87b1226/2••SECTION 880m. 48.299 (1) (b) of the statutes is
17 amended to read:

18 48.299 (1) (b) Any person who divulges any information which would iden-
19 tify the child or the family involved in any proceeding under this chapter
20 shall be subject to ch. 785. This paragraph does not preclude a victim of the
21 child's act from commencing ~~an action under s. 895.095~~ a civil action based
22 upon the child's act.

23 ••87b0661/3 •• 87b1226/2••SECTION 880n. 48.32 (6) of the statutes is
24 repealed.

25 ••87b0661/3 •• 87b1226/2••SECTION 880o. 48.33 (1) (e) of the statutes is
26 created to read:

1 48.33 (1) (e) A plan for the provision of educational services to the
2 child, prepared after consultation with the staff of the school in which the
3 child is enrolled or the last school in which the child was enrolled.

4 ••87b0661/3 •• 87b1226/2••SECTION 880p. 48.34 (5) of the statutes is
5 renumbered 48.34 (5) (a) and amended to read:

6 48.34 (5) (a) If the child is found to have committed a delinquent act
7 which has resulted in damage to the property of another, or actual physical
8 injury to another excluding pain and suffering, the judge may order the child
9 to repair damage to property or to make reasonable restitution for the damage
10 or injury if the judge, after taking into consideration the well-being and
11 needs of the victim, considers it beneficial to the well-being and behavior of
12 the child. Any such order shall include a finding that the child alone is
13 financially able to pay and ~~shall~~ may allow up to ~~10~~ 12 months for the
14 payment. Objection by the child to the amount of damages claimed shall
15 entitle the child to a hearing on the question of damages before the amount of
16 restitution is ordered.

17 ••87b0661/3 •• 87b1226/2••SECTION 880q. 48.34 (5) (b) of the statutes is
18 created to read:

19 48.34 (5) (b) 1. Subject to subd. 2, in addition to any other employment
20 or duties permitted under ch. 103 or any rule or order under ch. 103, a child
21 who is 12 or 13 years of age who is participating in a restitution project
22 provided by the county may, for the purpose of making restitution ordered by
23 the court under this subsection, be employed or perform any duties under any
24 circumstances in which a child 14 or 15 years of age is permitted to be
25 employed or perform duties under ch. 103 or any rule or order under ch. 103.

26 2. Under this subsection, a court may not order a child who is 12 or 13
27 years of age to make more than \$250 in restitution.

1 ••87b0661/3 •• 87b1226/2••SECTION 880r. 48.34 (9) (c) of the statutes is
2 created to read:

3 48.34 (9) (c) 1. Subject to subd. 2, in addition to any other employment
4 or duties permitted under ch. 103 or any rule or order under ch. 103, a child
5 who is 12 or 13 years of age who is participating in a community service
6 project provided by the county may, for purposes of performing community ser-
7 vice work ordered by the court under this subsection, be employed or perform
8 any duties under any circumstances in which a child 14 or 15 years of age is
9 permitted to be employed or perform duties under ch. 103 or any rule or order
10 under ch. 103.

11 2. Under this subsection, a court may not order a child who is 12 or 13
12 years of age to perform more than 40 total hours of community service work.

13 ••87b0661/3 •• 87b1226/2••SECTION 880s. 48.343 (4) of the statutes is
14 amended to read:

15 48.343 (4) If the violation has resulted in damage to the property of
16 another, or actual physical injury to another excluding pain and suffering,
17 the court may order the child to make repairs of the damage to property or
18 reasonable restitution for the damage or injury if the court, after taking
19 into consideration the well-being and needs of the victim, considers it bene-
20 ficial to the well-being and behavior of the child. Any such order requiring
21 payment for repairs or restitution shall include a finding that the child
22 alone is financially able to pay and ~~shall~~ may allow up to ~~10~~ 12 months for
23 the payment. Objection by the child to the amount of damages claimed shall
24 entitle the child to a hearing on the question of damages before the amount of
25 restitution is ordered.

26 ••87b0661/3 •• 87b1226/2••SECTION 880t. 48.346 of the statutes is
27 repealed and recreated to read:

1 48.346 NOTICE TO VICTIMS OF CHILDREN'S ACTS. (1) Each known victim of a
2 child's act shall receive timely notice of the following information:

3 (a) The procedure for obtaining the identity of the child and the child's
4 parents.

5 (b) The procedure under s. 48.396 (5) for obtaining the child's police
6 records.

7 (c) The potential liability of the child's parents under s. 895.035.

8 (d) Either:

9 1. General information regarding any informal agreement under s. 48.245,
10 any consent decree under s. 48.32 or any dispositional order under ss. 48.34
11 to 48.345. The information shall not include specific details of the order
12 except for details relating to restitution or repair to property; or

13 2. The procedure the victim may follow for obtaining the information in
14 subd. 1.

15 (2) The notice under sub. (1) shall include an explanation of the
16 restrictions on divulging information obtained under this chapter and the
17 penalties for violations.

18 (3) If an inquiry or proceeding is closed, dismissed or otherwise does
19 not result in an informal agreement, consent decree or dispositional order, a
20 reasonable attempt shall be made to inform each known victim of the child's
21 alleged act that the inquiry or proceeding has been terminated.

22 (4) If the victim is a child, the notice under this section shall be
23 given to the child's parents, guardian or legal custodian.

24 (5) County boards, chief judges and circuit judges, acting in accordance
25 with s. 48.06 (1) and (2), shall establish, by policy and rule procedures for
26 the implementation of this section. The policies and rules shall specify
27 when, how and by whom the notice under this section shall be provided to
28 victims.

1 ••87b0661/3 •• 87b1226/2••SECTION 880u. 48.355 (1) of the statutes is
2 amended to read:

3 48.355 (1) INTENT. In any order under s. 48.34 or 48.345 the judge shall
4 decide on a placement and treatment finding based on evidence submitted to the
5 judge. The disposition shall employ those means necessary to maintain and
6 protect the child's well-being which are the least restrictive of the rights
7 of the parent or child and which assure the care, treatment or rehabilitation
8 of the child and the family, consistent with the protection of the public
9 interest. Wherever possible the family unit shall be preserved and there
10 shall be a policy of transferring custody from the parent only where there is
11 no less drastic alternative. If information under s. 48.331 has been provided
12 in a court report under s. 48.33, the court shall consider that information
13 when deciding on a placement and treatment finding.

14 ••87b0661/3 •• 87b1226/2••SECTION 880v. 48.355 (2) (b) 7 of the statutes
15 is created to read:

16 48.355 (2) (b) 7. A statement of the conditions with which the child is
17 required to comply.

18 ••87b0661/3 •• 87b1226/2••SECTION 880w. 48.355 (4) of the statutes is
19 renumbered 48.355 (4) (a) and amended to read:

20 48.355 (4) (a) All Except as provided under par. (b), all orders under
21 this section shall terminate at the end of one year unless the judge specifies
22 a shorter period of time. Extensions or revisions shall terminate at the end
23 of one year unless the judge specifies a shorter period of time. No extension
24 under s. 48.365 of an original dispositional order may be granted for a child
25 whose legal custody has been transferred to the department under s. 48.34 (4m)
26 if the child is 18 years of age or older when the original dispositional order
27 terminates. Any order made before the child reaches the age of majority shall

1 be effective for a time up to one year after its entry unless the judge
2 specifies a shorter period of time.

3 ••87b0661/3 •• 87b1226/2••SECTION 880x. 48.355 (4) (b) of the statutes is
4 created to read:

5 48.355 (4) (b) An order under s. 48.34 (4m) for which a child has been
6 adjudicated delinquent on the basis of an act prohibited under s. 940.01 or
7 940.02 is subject to par. (a), except that the judge may make the order apply
8 for up to 2 years or until the child's 19th birthdate, whichever is earlier.

9 ••87b0661/3 •• 87b1226/2••SECTION 880y. 48.355 (6) of the statutes is
10 created to read:

11 48.355 (6) SANCTIONS FOR VIOLATION OF ORDER. (a) If a child who has
12 been adjudged delinquent violates a condition specified in sub. (2) (b) 7, the
13 court may impose on the child one of the sanctions specified in par. (d) if,
14 at the dispositional hearing under s. 48.335, the judge explained the condi-
15 tions to the child, provided the child with a written copy of the conditions
16 and informed the child of the possible sanctions under par. (d) for a
17 violation.

18 (b) A motion for imposition of a sanction may be brought by the person or
19 agency primarily responsible for the provision of dispositional services, the
20 district attorney or the judge who entered the dispositional order. If the
21 judge initiates the motion, that judge is disqualified from holding a hearing
22 on the motion. Notice of the motion shall be given to the child, guardian ad
23 litem, counsel, parent, guardian, legal custodian and all parties present at
24 the original dispositional hearing.

25 (c) Before imposing any sanction, the court shall hold a hearing, at
26 which the child is entitled to be represented by legal counsel and to present
27 evidence.

1 (d) The court may order any one of the following sanctions if it deter-
2 mines that the violation is wilful and egregious, that the sanction will serve
3 as a deterrent to future rule violations and that the sanction will contribute
4 to the child's rehabilitation:

5 1. If no other sanction is appropriate, placement of the child in a
6 secure detention facility or juvenile portion of a county jail that meets the
7 standards promulgated by the department by rule, for not more than 48 hours.
8 If the child is enrolled in a school that is in session during any day of the
9 placement, the court shall order either that the child be released to attend
10 school or that the child receive educational services consistent with his or
11 her current course of study during the period of placement.

12 2. Suspension of or limitation on the use of the child's operating
13 privilege, as defined under s. 340.01 (40), or of any approval issued under
14 ch. 29 for a period of not more than 90 days. If the court suspends the
15 child's operating privileges or an approval issued under ch. 29, it shall
16 immediately take possession of the suspended license or approval and forward
17 it to the department that issued it, together with the notice of suspension.

18 3. Detention in the child's home or current residence for a period of not
19 more than 20 days under rules of supervision specified in the order.

20 4. Not more than 25 hours of uncompensated community service work in a
21 supervised work program authorized under s. 48.34 (9).

22 (e) The court may stay the imposition of a sanction for a specific period
23 of time in order to give the child a reasonable opportunity to comply with the
24 dispositional order and thereby avoid the sanction. If the court enters a
25 stay, a hearing shall be scheduled which complies with the procedural
26 requirements of pars. (b) and (c). The sole issue at this hearing shall be
27 the child's compliance with the dispositional order, unless a party offers new
28 evidence regarding whether the sanction is in the best interests of the child.

1 ••87-1795/6••SECTION 893. 48.357 (4m) of the statutes is created to read:
2 48.357 (4m) The department shall try to release a child on aftercare
3 under sub. (4) within 30 days after the date the department determines the
4 child is eligible for the release.

5 ••87b2228/2 •• 87b2231/2••SECTION 893c. 48.366 of the statutes is created
6 to read:

7 48.366 EXTENDED COURT JURISDICTION. (1) APPLICABILITY. A person is
8 subject to a petition under sub. (2) only if the person at the age of 14 or 15
9 years, committed any crime specified under s. 940.01, 940.02, 940.05, 940.201,
10 940.21 or 940.225 (1) (a) to (c), is adjudged delinquent on that basis and is
11 transferred to the legal custody of the subunit of the department administer-
12 ing corrections under s. 48.34 (4m), and at the time the petition under sub.
13 (2) is filed, the person is either placed in a secured juvenile correctional
14 facility or is on aftercare supervision.

15 (2) PETITION FOR EXTENSION. (a) The department or the county department
16 having legal custody of a person described in sub. (1) may file a petition
17 requesting an extension of the court's jurisdiction over the person. The
18 petition shall be filed with the court that adjudged the person delinquent on
19 the basis specified in sub. (1). The petition shall state the factual basis
20 for believing that if the person is released from custody or supervision,
21 there are reasonable grounds to believe that the person will pose a threat of
22 bodily harm to other persons.

23 (b) A petition under par. (a) shall be filed no sooner than 6 months
24 before and no later than 3 months before the expiration of a dispositional
25 order under s. 48.365 which expires after the person's 18th birthday.

26 (c) The department or the county department that filed the petition
27 shall, at the time the petition is filed, provide written notice of the peti-
28 tion to the person who is the subject of the petition, the office of the dis-

1 trict attorney that filed the petition on the basis of which the person was
2 adjudged delinquent and the victim, if any, of the delinquent act. The notice
3 to the person who is the subject of the petition shall also contain notice
4 that the person has a right to counsel under s. 48.23 (2m).

5 (3) NOTICE. Upon receipt of a petition under sub. (2), the court shall
6 set a date under sub. (7) for a hearing on the matter. The hearing shall be
7 held before the expiration date of the person's dispositional order. The
8 court shall provide notice under sub. (7).

9 (4) HEARING ON EXTENSION OF JURISDICTION; ORDER. If, at the hearing on
10 the petition, the department or the county department proves that there are
11 reasonable grounds to believe that the person will pose a threat of bodily
12 harm to other persons if the person is released, the court shall enter an
13 order extending its jurisdiction as follows:

14 (a) If the act for which the person was adjudged delinquent was a viola-
15 tion of s. 940.01, the order shall remain in effect until the person reaches
16 25 years of age or until the termination of the order under sub. (6), which-
17 ever occurs earlier.

18 (b) If the act for which the person was adjudged delinquent was any other
19 violation specified in sub. (1), the order shall remain in effect until the
20 person reaches 21 years of age or until the termination of the order under
21 sub. (6), whichever occurs earlier.

22 (5) REVISION OF ORDER. (a) Any of the following may petition the court
23 for a revision of an order under sub. (4):

- 24 1. The person subject to the order.
25 2. The department or county department having legal custody of the
26 person.

27 (b) The department or county department may, at any time, file a petition
28 proposing either release of a person subject to an order under sub. (4) to

1 aftercare supervision or revocation of the person's aftercare supervision.

2 The petition shall set forth in detail:

3 1. The proposed treatment and supervision plan and proposed institutional
4 placement, if any.

5 2. Any available information that is relevant to the advisability of
6 revising the order.

7 (c) The person subject to an order under sub. (4) may, no more often than
8 once each year, file a petition proposing his or her release to aftercare
9 supervision. The petition shall set forth in detail:

10 1. The proposed conditions of aftercare supervision.

11 2. Any available information that is relevant to the advisability of
12 revising the order.

13 (d) 1. At the time the department or county department files a petition
14 under par. (a), it shall provide written notice of the petition to the person
15 who is the subject of the petition. The notice to the person who is the
16 subject of the petition shall state that the person has a right to request a
17 hearing on the petition and, if the petition is for revocation of a person's
18 aftercare supervision, that the person has the right to counsel. The depart-
19 ment shall also provide written notice of the petition to the office of the
20 district attorney that filed the petition on the basis of which the child was
21 adjudged delinquent and the victim, if any, of the delinquent act.

22 2. At the time a person subject to an order under sub. (4) files a peti-
23 tion under par. (a), the person shall provide written notice of the petition
24 to the department or county department, as applicable.

25 (e) In making a determination under this subsection, the court shall
26 balance the needs of the person with the protection of the public.

27 (f) If the court grants a petition to release a person to aftercare
28 supervision and the person's county of residence is one in which the county

1 department provides aftercare supervision, the department may contract with
2 the county department under s. 46.036 for aftercare supervision of the person.

3 (g) Sections 48.357 and 48.363 do not apply to orders under this
4 subsection.

5 (6) PETITION FOR DISCHARGE; HEARINGS. (a) Any of the following may
6 petition the court that entered an order under sub. (4) to terminate the order
7 and to discharge the person subject to the order from supervision:

8 1. The person subject to the order.

9 2. The department or the county department having a legal custody of the
10 person.

11 (b) The petition shall state the factual basis for the petitioner's
12 belief that discharge will not pose a threat of bodily harm to other persons.
13 The department or county department may file a petition at any time. The
14 person subject to the order may file a petition not more often than once a
15 year.

16 (c) 1. At the time the department or county department files a petition
17 under par. (a), it shall provide written notice of the petition to the person
18 who is the subject of the petition. The notice to the person who is the
19 subject of the petition shall state that the person has the right to counsel.
20 The department or county department shall also provide written notice of the
21 petition to the office of the district attorney that filed the petition on the
22 basis of which the person was adjudged delinquent and to the victim, if any,
23 of the delinquent act.

24 2. At the time a person subject to an order under sub. (4) files a peti-
25 tion under par. (a), he or she shall provide written notice of the petition to
26 the department or county department, whichever has legal custody of the
27 person.

1 (d) The court shall terminate the order under sub. (4) and discharge the
2 person unless the court finds, based on evidence presented at the hearing,
3 that there are reasonable grounds to believe that discharging the person will
4 pose a threat of bodily harm to other persons. If the court denies the
5 petition, the person shall remain under the jurisdiction of the court until
6 the expiration of the order under sub. (4) or until a subsequent petition for
7 discharge under this subsection is granted, whichever is sooner.

8 (7) NOTICE OF HEARING. Upon receipt of a request for a hearing under
9 sub. (5) or upon receipt of a petition under sub. (3) or (6), the court shall
10 set a date for a hearing on the matter. In any of those cases, the court
11 shall notify the department and each person specified in sub. (2) (c), (5) (d)
12 1 or (6) (c) 1, as applicable of the date, time and place of the hearing. The
13 notice shall be served personally at least 72 hours before the hearing or
14 mailed by certified mail at least 7 days before the hearing to each person
15 entitled to notice, except that if any such person lives outside of this
16 state, the notice shall be mailed at least 14 days before the hearing.

17 (8) TRANSFER TO OR BETWEEN FACILITIES. The department may transfer a
18 person subject to an order under sub. (4) between secured correctional
19 facilities and, after the person attains the age of 18 years, transfer the
20 person to or between state prisons named in s. 53.01 without petitioning for
21 revision of the order under sub. (5) (a). The department shall promulgate
22 rules establishing a hearing procedure for persons transferred from a less
23 secure to a more secure state prison.

24 ••87b1690/1••SECTION 893m. 48.37 of the statutes is amended to read:

25 48.37 COSTS. No costs ~~or~~ penalty assessments or jail assessments may be
26 assessed against any child in a court assigned to exercise jurisdiction under
27 this chapter. Courts of civil and criminal jurisdiction exercising jurisdic-
28 tion under s. 48.17 may assess the same costs and penalty assessment assess-

1 ments and jail assessments against children as they may assess against adults,
2 except that witness fees shall not be charged to the child.

3 ••87b0661/3 •• 87b1226/2••SECTION 900am. 48.396 (1) of the statutes is
4 amended to read:

5 48.396 (1) Peace officers' records of children shall be kept separate
6 from records of persons 18 or older and shall not be open to inspection or
7 their contents disclosed except under sub. (5) or s. 48.293, by order of the
8 court assigned to exercise jurisdiction under this chapter ~~or by order of the~~
9 ~~circuit court under sub. (5)~~. This subsection shall not apply to the repre-
10 sentatives of newspapers or other reporters of news who wish to obtain
11 information for the purpose of reporting news without revealing the identity
12 of the child involved or to the confidential exchange of information between
13 the police and officials of the school attended by the child or other law
14 enforcement or social welfare agencies or to children 16 or older who are
15 transferred to the criminal courts.

16 ••87b0661/3 •• 87b1226/2••SECTION 900b. 48.396 (5) (a) of the statutes is
17 repealed and recreated to read:

18 48.396 (5) (a) Any victim of a child's act may petition the court to
19 order the disclosure of the records governed by sub. (1). The petition shall
20 be in writing and shall describe as specifically as possible all of the
21 following:

- 22 1. The type of information sought.
- 23 2. The reason the information is being sought.
- 24 3. The basis for the petitioner's belief that the information is con-
25 tained in the records.
- 26 4. The relevance of the information sought to the petitioner's reason for
27 seeking the information.
- 28 5. The petitioner's efforts to obtain the information from other sources.

1 ••87b0661/3 •• 87b1226/2••SECTION 900c. 48.396 (5) (b) of the statutes is
2 repealed.

3 ••87b0661/3 •• 87b1226/2••SECTION 900d. 48.396 (5) (c) of the statutes is
4 renumbered 48.396 (5) (b) and amended to read:

5 48.396 (5) (b) The ~~circuit~~ court shall notify the child, the child's
6 counsel ~~and~~, the child's parents and appropriate law enforcement agencies in
7 writing of the petition. If any person notified objects to the disclosure,
8 the court may hold a hearing to take evidence relating to the petitioner's
9 need for the disclosure.

10 ••87b0661/3 •• 87b1226/2••SECTION 900e. 48.396 (5) (d) of the statutes is
11 renumbered 48.396 (5) (c) and, 48.396 (5) (c) (intro.), as renumbered, is
12 amended to read:

13 48.396 (5) (c) (intro.) The ~~circuit~~ court shall make an inspection, which
14 may be in camera, of the child's records. If the court determines that the
15 information sought is ~~essential to the petitioner's~~ for good cause and that it
16 cannot be obtained with reasonable effort from other sources, it shall then
17 determine whether the petitioner's need for the information outweighs
18 society's interest in protecting its confidentiality. In making this
19 determination, the court shall balance the following private and societal
20 interests:

21 ••87b0661/3 •• 87b1226/2••SECTION 900f. 48.396 (5) (e) of the statutes is
22 renumbered 48.396 (5) (d) and amended to read:

23 48.396 (5) (d) If the ~~circuit~~ court determines that disclosure is
24 warranted, it shall order the disclosure of only as much information as is
25 necessary to ~~permit the petitioner to prosecute the civil action~~ meet the
26 petitioner's need for the information.

27 ••87b0661/3 •• 87b1226/2••SECTION 900g. 48.396 (5) (f) of the statutes is
28 renumbered 48.396 (5) (e) and amended to read:

1 48.396 (5) (e) The ~~circuit~~ court shall record the reasons for its deci-
2 sion to disclose or not to disclose the child's records. All records related
3 to a decision under this subsection are confidential.

4 ••87b0661/3 •• 87b1226/2••SECTION 900h. 48.396 (6) of the statutes is
5 created to read:

6 48.396 (6) Notwithstanding sub. (5), a victim of a child's act or alleged
7 act may, with the approval of the court, obtain the names of the child and the
8 child's parents.

9 ••87b1745/2 •• 87b1922/en••SECTION 900j. 48.44 of the statutes is renum-
10 bered 48.44 (1).

11 ••87b1745/2 •• 87b1922/en••SECTION 900k. 48.44 (2) of the statutes is
12 created to read:

13 48.44 (2) The court has jurisdiction over a person subject to an order
14 under s. 48.366 for all matters relating to that order.

15 ••87b1745/2 •• 87b1922/en••SECTION 900L. 48.53 of the statutes is amended
16 to read:

17 48.53 DURATION OF CONTROL OVER DELINQUENTS. All Except as provided under
18 s. 48.366, all children adjudged delinquent, whose legal custody has been
19 transferred to the department, shall be discharged as soon as the department
20 determines that there is a reasonable probability that it is no longer neces-
21 sary either for the rehabilitation and treatment of the child or for the pro-
22 tection of the public that the department retain legal custody.

23 ••87b0438/2••SECTION 914m. 48.545 of the statutes is created to read:

24 48.545 ADOPTION SERVICES PROGRAM FOR CHILDREN WITH SPECIAL NEEDS. (1)
25 The department shall develop a plan in which the adoption services that it
26 provides to children with special needs under its care would be contracted out
27 to private agencies in one specified geographic area of the state. The
28 department shall choose the specified geographic area of the state in which

1 the plan shall be implemented. The department shall continue to provide
2 adoption services to the children with special needs under its care in the
3 specified geographic area if the private agencies with whom the department has
4 contracted are unwilling or unable to place the children.

5 (2) The department shall submit the plan developed under sub. (1) to the
6 joint committee on finance for review by January 1, 1988.

7 (3) The plan developed under sub. (1) shall be implemented as a pilot
8 program to begin in fiscal year 1988-89. The pilot program shall be evaluated
9 at the end of its first 2 years.

10 ••87-1593/2••SECTION 923. 48.627 (title) of the statutes is amended to
11 read:

12 48.627 (title) FOSTER PARENT INSURANCE AND LIABILITY.

13 ••87b0383/2••SECTION 923e. 48.627 (1c) of the statutes is created to
14 read:

15 48.627 (1c) The department shall determine the cost-effectiveness of
16 purchasing private insurance which would provide coverage to foster parents
17 for acts or omissions by or affecting a foster child. If this private insur-
18 ance is cost-effective and available, the department shall purchase the
19 insurance from the appropriations under s. 20.435 (4) (cf) and (pd). If the
20 insurance is unavailable, payment of claims for acts or omissions by or
21 affecting a foster child shall be in accordance with subs. (1m) to (2).

22 ••87b0383/2••SECTION 923m. 48.627 (1m) of the statutes is repealed and
23 recreated to read:

24 48.627 (1m) Within the limits of the appropriations under s. 20.435 (4)
25 (cf) and (pd), the department shall pay claims to the extent not covered by
26 any other insurance and subject to the limitations specified in sub. (2), for
27 bodily injury or property damage sustained by a licensed foster parent or a

1 member of the foster parent's family as a result of the act of a foster child
2 in the foster parent's care.

3 ••87b0383/2••SECTION 923a. 48.627 (1a) of the statutes is created to
4 read:

5 48.627 (1s) Within the limits of the appropriations under s. 20.435 (4)
6 (cf) and (pd), the department may pay claims to the extent not covered by any
7 other insurance and subject to the limitations specified in sub. (2), for all
8 of the following:

9 (a) Acts or omissions of the foster parent that result in bodily injury
10 to the foster child or that form the basis for a civil action for damages by
11 the foster child's parent against the foster parent.

12 (b) Bodily injury or property damage caused by an act or omission of a
13 foster child in the foster parent's care for which the foster parent becomes
14 legally liable.

15 ••87-1593/2••SECTION 925. 48.627 (2) (b) of the statutes is amended to
16 read:

17 48.627 (2) (b) A claim under sub. (1m) ~~(b)~~ shall be submitted to the
18 department within 90 days after the bodily injury or property damage occurs,
19 ~~but no later than June 30, 1987, or the date of publication of the 1987-89~~
20 ~~biennial budget act, whichever is later.~~ A claim under sub. ~~(1m) (a) or (c)~~
21 (1s) shall be submitted within 90 days after a foster parent learns that a
22 legal action has been commenced against him or her, ~~but no later than June 30,~~
23 ~~1987, or the date of publication of the 1987-89 biennial budget act, whichever~~
24 ~~is later.~~ No claim may be paid under this subsection unless it is submitted
25 within the time limits specified in this paragraph.

26 ••87b0383/2••SECTION 925m. 48.627 (2) (d) of the statutes is amended to
27 read:

1 48.627 (2) (d) No claim may be approved in an amount exceeding the total
2 amount available for paying claims under this subsection in the fiscal year
3 during which the claim is submitted. No claim for property damage sustained
4 by a foster parent or a member of a foster parent's family may be approved in
5 an amount exceeding ~~\$5,000~~ \$25,000.

6 ••87-1593/2••SECTION 926. 48.627 (2) (f) of the statutes is amended to
7 read:

8 48.627 (2) (f) If the total amount of the claims approved during any
9 calendar quarter exceeds 25% of the total funds available during the fiscal
10 year for purposes of this subsection plus any unencumbered funds remaining
11 from the previous quarter, the department shall prorate the available funds
12 among the claimants with approved claims. The department shall also prorate
13 any unencumbered funds remaining in the appropriation under s. 20.435 (4) (cf)
14 at the end of each fiscal year among the claimants whose claims were prorated
15 during the fiscal year. Payment of a prorated amount constitutes a complete
16 payment of the claim.

17 ••87-1593/2••SECTION 927. 48.627 (2) (h) of the statutes is amended to
18 read:

19 48.627 (2) (h) If a claim by a foster parent or a member of the foster
20 parent's family is approved, the department shall deduct from the amount
21 approved ~~.\$200~~ \$100 less any amount deducted by an insurance company from a
22 payment for the same claim.

23 ••87-1593/2••SECTION 928. 48.627 (2) (j) of the statutes is repealed.

24 ••87b0383/2••SECTION 928m. 48.627 (3) of the statutes is amended to read:

25 48.627 (3) The department is not liable for any act or omission by or
26 affecting a foster child, but ~~may~~ shall, as provided in this section, pay
27 claims described under sub. (1m) and may pay claims described under sub. (1m)
28 (1s) or may purchase insurance to cover such claims as provided for under sub.

1 (1c), within the limits of the appropriations under s. 20.435 (4) (cf) and
2 (pd).

3 ••87b0440/1••SECTION 941e. 48.981 (1) (fm) of the statutes is created to
4 read:

5 48.981 (1) (fm) "Relative" means a parent, grandparent, stepparent,
6 brother, sister, first cousin, 2nd cousin, nephew, niece, uncle, aunt,
7 stepgrandparent, stepbrother, stepsister, half brother, half sister, brother-
8 in-law or sister-in-law.

9 ••87b0440/1••SECTION 941m. 48.981 (2) of the statutes is amended to read:

10 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
11 examiner, nurse, dentist, chiropractor, optometrist, other medical or mental
12 health professional, social or public assistance worker, school teacher,
13 administrator or counselor, child care worker in a day care center or child
14 caring institution, day care provider, alcohol or other drug abuse counselor,
15 member of the treatment staff employed by or working under contract with a
16 county department under s. 46.23, 51.42 or 51.437, physical therapist,
17 occupational therapist, speech therapist, emergency medical technician --
18 advanced (paramedic), ambulance attendant or police or law enforcement officer
19 having reasonable cause to suspect that a child seen in the course of profes-
20 sional duties has been abused or neglected or having reason to believe that a
21 child seen in the course of professional duties has been threatened with abuse
22 or neglect and that abuse or neglect of the child will occur shall, except as
23 provided under sub. (2m), report as provided in sub. (3). Any other person,
24 including an attorney, having reason to suspect that a child has been abused
25 or neglected or reason to believe that a child has been threatened with abuse
26 or neglect and that abuse or neglect of the child will occur may make such a
27 report. No person making a report under this subsection may be discharged
28 from employment for so doing.

1 ••87b0440/1••SECTION 941s. 48.981 (2m) of the statutes is created to
2 read:

3 48.981 (2m) EXCEPTION TO REPORTING REQUIREMENT. (a) The purpose of this
4 subsection is to allow children to obtain confidential health care services
5 and pupil services.

6 (b) In this subsection:

7 1. "Health care provider" means a physician, as defined under s. 448.01
8 (5), a physician's assistant, as defined under s. 448.01 (6), or a nurse
9 holding a certificate of registration under s. 441.06 (1) or a license under
10 s. 441.10 (3).

11 2. "Health care service" means family planning services, pregnancy
12 testing, reproductive and obstetrical health care or screening, diagnosis and
13 treatment for a sexually transmitted disease.

14 3. "Pupil service" means counseling, psychological services, social work
15 or nursing.

16 4. "Pupil services provider" means a person who is certified by the
17 department of public instruction to provide pupil services and who is employed
18 by or acting under contract with a school board, board of control of a
19 cooperative educational services agency or the governing body of a private
20 school.

21 (c) Except as provided under pars. (d) and (e), the following persons are
22 not required to report as suspected or threatened abuse, as defined under sub.
23 (1) (a) 2, sexual intercourse or sexual contact involving a child:

24 1. A health care provider who provides any health care service to a
25 child.

26 2. A pupil services provider who provides any pupil service to a child.

27 3. A person who refers a child to a health care provider for any health
28 care service or to a pupil services provider for any pupil service.

1 4. A person who obtains information about a child who is receiving or has
2 received health care services from a health care provider or pupil services
3 from a pupil services provider.

4 (d) Any person described under par. (c) 1, 2, 3 or 4 shall report as
5 required under sub. (2) if he or she has reason to suspect any of the
6 following:

7 1. That the sexual intercourse or sexual contact occurred or is likely to
8 occur with any of the following:

9 a. A relative of the child.

10 b. The child's guardian.

11 c. The child's legal custodian.

12 d. An employe of a residential facility or child caring institution in
13 which the child was or is placed.

14 e. A person who provides or has provided care for the child in or outside
15 of the child's home.

16 f. A person who resides or has resided regularly or intermittently in the
17 same dwelling with the child.

18 g. Any other person who exercises or has exercised temporary or permanent
19 control over or who temporarily or permanently supervises or has supervised
20 the child.

21 2. That the child suffered or suffers from a mental illness or mental
22 deficiency that rendered or renders the child temporarily or permanently
23 incapable of understanding or evaluating the consequences of his or her
24 actions.

25 3. That the child, because of his or her age or immaturity, was or is
26 incapable of understanding the nature or consequences of sexual intercourse or
27 sexual contact.

1 4. That the child was unconscious at the time of the act or for any other
2 reason was physically unable to communicate unwillingness to engage in sexual
3 intercourse or sexual contact.

4 5. That another participant in the sexual contact or sexual intercourse
5 was or is exploiting the child.

6 (e) In addition to the reporting requirements under par. (d), a person
7 described under par. (c) 1, 2, 3 or 4 shall report as required under sub. (2)
8 if he or she has any reasonable doubt as to the voluntariness of the child's
9 participation in the sexual contact or sexual intercourse.

10 ••87-1355/3••SECTION 942. 48.982 (2) (a) of the statutes is amended to
11 read:

12 48.982 (2) (a) ~~One year after July 2, 1983, and biennially thereafter~~
13 Biennially, develop and transmit to the governor and the presiding officer of
14 each house of the legislature a plan for awarding grants to organizations.
15 The plan shall assure that there is an equal opportunity for establishment of
16 child abuse and neglect prevention programs and distribution of grants
17 throughout all geographic areas of the state and in both urban and rural
18 communities.

19 ••87-2067/4••SECTION 943. 48.985 of the statutes is created to read:

20 48.985 EXPENDITURE OF FEDERAL CHILD WELFARE FUNDS. (1) FEDERAL PROGRAM
21 OPERATIONS. From the appropriation under s. 20.435 (4) (n), the department
22 shall expend moneys received under 42 USC 620 to 626 as follows:

23 (a) For the department's expenses in connection with administering the
24 expenditure of funds received under 42 USC 620 to 626, not more than \$221,600
25 in federal fiscal year 1988 and not more than \$221,600 in federal fiscal year
26 1989.

27 (b) For runaway services, not more than \$458,600 in federal fiscal year
28 1988 and not more than \$458,600 in federal fiscal year 1989.

1 (c) For innovative child welfare projects and services provided or pur-
2 chased by the department, including training for foster parents and for
3 employes of county departments conducting investigations and providing ser-
4 vices under s. 48.981, not more than \$133,800 in federal fiscal year 1988 and
5 not more than \$65,600 in federal fiscal year 1989.

6 (d) In addition to the amounts allocated under par. (c), for innovative
7 child welfare projects purchased or provided by the department, not more than
8 \$51,200 in federal fiscal year 1988 and not more than \$119,400 in federal
9 fiscal year 1989 from any unanticipated additional funds received by the
10 department, including increased federal funding under 42 USC 620 to 626,
11 reallocation of federal funds from other states and moneys transferred from
12 federal funds received under 42 USC 670 to 676.

13 (e) For family-based child welfare services, including services to pre-
14 vent and treat child abuse and neglect, and for contracting with counties and
15 American Indian tribes for family-based child welfare services, the balance of
16 any unanticipated additional funds specified under par. (d) that are received
17 by the department.

18 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the appropriation
19 under s. 20.435 (4) (o), the department shall expend moneys received under 42
20 USC 620 to 626 as follows:

21 (a) For the delivery of services to American Indians under s. 46.70, not
22 more than \$70,000 in federal fiscal year 1988 and not more than \$70,000 in
23 federal fiscal year 1989.

24 (b) To county departments under ss. 46.215, 46.22 and 46.23, for the
25 provision or purchase of child welfare projects and services including child
26 abuse and neglect investigation and treatment services, subject only to local,
27 state and federal requirements specific to the types of projects or services,

1 not more than \$1,858,000 in federal fiscal year 1988 and not more than
2 \$1,858,000 in federal fiscal year 1989.

3 (c) For the allocation for services to children and families under s.
4 46.40 (2), not more than \$567,300 in federal fiscal year 1988 and not more
5 than \$567,300 in federal fiscal year 1989.

6 (3) COMMUNITY YOUTH AND FAMILY AIDS. From the appropriation under s.
7 20.435 (4) (oo), to county departments under ss. 46.215, 46.22 and 46.23 for
8 the provision of services under s. 46.26, not more than \$1,100,000 in federal
9 fiscal year 1988 and not more than \$1,100,000 in federal fiscal year 1989.

10 ••87b1745/2 •• 87b1922/en••SECTION 947m. 48.992 (3) of the statutes is
11 created to read:

12 48.992 (3) Notwithstanding s. 48.991 (3) (b), "delinquent juvenile" does
13 not include a person subject to an order under s. 48.366.

14 ••87-1283/1••SECTION 948. 49.015 (1) of the statutes is renumbered 49.015
15 (1) (a) and amended to read:

16 49.015 (1) (a) In this ~~section~~ subsection, "close relative" means the
17 person's parent, grandparent, brother, sister, spouse or child.

18 ••87b1715/1••SECTION 949g. 49.015 (2) (intro.) and (a) to (d) of the
19 statutes are renumbered 49.015 (1) (b) (intro.) and 1 to 4.

20 ••87b1715/1••SECTION 949r. 49.015 (2) (e) of the statutes is repealed.

21 ••87-1283/1••SECTION 950. 49.015 (2) of the statutes is created to read:

22 49.015 (2) (a) Except in a case of unusual hardship, a person is not
23 eligible for general relief under this chapter for a month in which the person
24 has received aid to families with dependent children under s. 49.19 or
25 supplemental security income under 42 USC 1381 to 1383c or in which aid to
26 families with dependent children or supplemental security income benefits are
27 immediately available to the person.

1 (b) No person is eligible for general relief under this chapter for a
2 month in which the person is denied, or his or her needs are removed from a
3 grant of, food stamps or aid to families with dependent children under 7 USC
4 2015 (d) (1), 42 USC 602 (a) (19) (F), 42 USC 607 (b) (2) (C), 42 USC 609 (c)
5 or 42 USC 645 (b) 1 (B) because the person has failed to comply with require-
6 ments related to employment or training. A general relief agency may not deny
7 general relief under this subsection to any person other than the person who
8 has failed to comply with those requirements. If the adult caretaker of a
9 child is denied general relief under this subsection and the case involves
10 mismanagement, the general relief agency shall make the general relief payment
11 for the child in the form of a protective payment.

12 ••87b1715/1••SECTION 951m. 49.015 (3) of the statutes is repealed.

13 ••87-1283/1••SECTION 952. 49.015 (4) of the statutes is renumbered 49.015
14 (1) (d) and amended to read:

15 49.015 (1) (d) After December 31, 1986, a general relief agency may waive
16 the requirement under ~~sub. (2) par. (b)~~ in a medical emergency or in case of
17 unusual misfortune or hardship. Each waiver shall be reported to the
18 department. The department may deny reimbursement under s. 49.035 for any
19 case in which a waiver is inappropriately granted.

20 ••87b0280/5••SECTION 952g. 49.02 (10) of the statutes is renumbered 49.02
21 (10) (a) and amended to read:

22 49.02 (10) (a) A Except as provided under par. (b), a county shall limit
23 its liability for medical or dental care furnished as general relief, includ-
24 ing emergency care provided under sub. (5), to the amount payable by medical
25 assistance under ss. 49.43 to 49.47 for care for which a medical assistance
26 rate exists.

1 (c) No provider of medical or dental care may bill a general relief
2 recipient for the cost of care exceeding the amount paid under this subsection
3 by the county.

4 ••87b0280/5••SECTION 952k. 49.02 (10) (b) of the statutes is created to
5 read:

6 49.02 (10) (b) 1. The department shall establish maximum rates for inpa-
7 tient and outpatient hospital care furnished as general relief, including
8 emergency care provided under sub. (5), equal to the interim rates payable
9 under s. 49.45 (3) (e) in effect on December 31, 1986, adjusted annually to
10 reflect any general inflationary rate increase provided for hospitals under
11 medical assistance.

12 2. A county shall limit its liability for inpatient and outpatient
13 hospital care furnished as general relief to the rates established under subd.
14 1.

15 ••87b0446/2••SECTION 952m. 49.02 (11) of the statutes is created to read:

16 49.02 (11) A general relief agency may use vehicle registration informa-
17 tion from the department of transportation in determining eligibility for
18 general relief.

19 ••87b2095/1••SECTION 952o. 49.032 (1) (c) of the statutes is repealed and
20 recreated to read:

21 49.032 (1) (c) After December 31, 1986, each general relief agency shall
22 determine need and make a benefit payment at least monthly.

23 ••87b2095/1••SECTION 952r. 49.032 (1) (d) of the statutes is repealed.

24 ••87b2095/1••SECTION 952s. 49.032 (4r) of the statutes is repealed.

25 ••87b1537/2 •• 87b1990/en••SECTION 952v. 49.033 of the statutes is
26 created to read:

1 49.033 EXPEDITED GENERAL RELIEF. (1) The general relief agency shall
2 provide expedited assistance under the general relief program to an applicant
3 if all of the following conditions exist:

4 (a) The application shows that the applicant is eligible for general
5 relief.

6 (b) The applicant has less than \$30 in available liquid assets at the
7 time of application.

8 (c) In the month of application the applicant's monthly gross income is
9 less than \$150 or less than one-half of the county's general relief payment
10 standard for a family the size of the applicant's family, whichever is
11 greater.

12 (d) The applicant is either threatened with loss of housing as evidenced
13 by receipt of a notice terminating tenancy under s. 704.17 or 704.19, the
14 applicant is homeless or the applicant is living in a shelter facility as
15 defined under s. 46.97 (1) (d).

16 (2) The general relief agency shall verify the applicant's identity
17 through readily available documentary evidence or through contacts with other
18 persons prior to the provision of expedited assistance. All other conditions
19 of eligibility may be verified as soon as possible through readily available
20 documentary evidence or through contacts with other persons, but expedited
21 assistance may not be delayed due to the failure to complete that
22 verification.

23 (3) The general relief agency shall provide the amount of assistance
24 sufficient to meet the applicant's needs for 15 working days from the date of
25 application, taking into account only the assets available to the applicant on
26 the date of application. The assistance may be provided in the form of
27 vouchers.

1 (4) Expedited assistance shall be mailed or available for pick-up at the
2 general relief agency's office no later than the close of business on the 5th
3 day following the day the application is filed.

4 ••87b0276/3••SECTION 953g. 49.035 (1) (c) of the statutes is amended to
5 read:

6 49.035 (1) (c) A county for up to 40% of the eligible costs paid by the
7 general relief agency for general relief provided under s. 49.02 ~~after Decem-~~
8 ~~ber 31, 1986~~ beginning on January 1, 1987, and ending on June 30, 1987.

9 ••87b0276/3••SECTION 953m. 49.035 (1) (d) of the statutes is created to
10 read:

11 49.035 (1) (d) A county for up to 37.5% of the eligible costs paid by the
12 general relief agency for general relief provided under s. 49.02 after June
13 30, 1987.

14 ••87b0276/3••SECTION 954g. 49.035 (2) (b) 5 of the statutes is amended to
15 read:

16 49.035 (2) (b) 5. Up to 50% of eligible medical costs incurred by the
17 county ~~after December 31, 1986~~ beginning on January 1, 1987, and ending on
18 June 30, 1987, on behalf of an individual client that are not more than
19 \$10,000 per claim period.

20 ••87b0276/3••SECTION 955g. 49.035 (2) (b) 6 of the statutes is amended to
21 read:

22 49.035 (2) (b) 6. Up to 80% of eligible medical costs incurred by the
23 county ~~after December 31, 1986~~ beginning on January 1, 1987, and ending on
24 June 30, 1987, on behalf of an individual client that exceed \$10,000 per claim
25 period.

26 ••87b0276/3••SECTION 955m. 49.035 (2) (b) 7 of the statutes is created to
27 read:

1 49.035 (2) (b) 7. Up to 40% of eligible medical costs incurred by the
2 county after June 30, 1987, on behalf of an individual client that are not
3 more than \$10,000 per claim period.

4 ••87b0276/3••SECTION 955r. 49.035 (2) (b) 8 of the statutes is created to
5 read:

6 49.035 (2) (b) 8. Up to 70% of eligible medical costs incurred by the
7 county after June 30, 1987, on behalf of an individual client that exceed
8 \$10,000 per claim period.

9 ••87b1715/1••SECTION 956. 49.037 (4) of the statutes is amended to read:

10 49.037 (4) The general relief agency shall inform each applicant for
11 general relief of other public assistance programs administered by county,
12 state or federal agencies, including temporary and interim assistance, low-
13 income energy assistance authorized under 42 USC 8621 to 8629, aid to families
14 with dependent children, emergency assistance for families with children,
15 medical assistance, food stamps and supplemental security income and shall
16 refer individuals to any local agency administering these programs. Applica-
17 tion to or potential eligibility for aid under any of these programs, unem-
18 ployment compensation or Hill-Burton benefits authorized under 45 USC 291c (e)
19 may not constitute a basis for denial of eligibility for general relief. Any
20 benefits expected by but not immediately available to a general relief appli-
21 cant from any of these programs may not be considered presently available
22 money, income, property or credit, or other means by which it can be presently
23 obtained. ~~Any benefit immediately available to a general relief applicant~~
24 ~~from any of these programs may not constitute the sole basis for denial of~~
25 ~~general relief if, despite the benefit, the applicant can be found an eligible~~
26 ~~dependent person under s. 49.032.~~

27 ••87b0448/3••SECTION 957g. 49.046 (3) (a) 1 of the statutes is repealed
28 and recreated to read:

1 49.046 (3) (a) 1. From the appropriation under s. 20.435 (4) (e), the
2 department shall pay aid to eligible persons based on family size. The
3 department shall designate 2 areas of the state based on variations in shelter
4 cost. Except as provided under subd. 1m, monthly payments shall be as
5 follows:

- 6 a. Family of one, \$216 in area I and \$209 in area II.
7 b. Family of 2, \$381 in area I and \$369 in area II.
8 c. Family of 3, \$448 in area I and \$434 in area II.
9 d. Family of 4, \$535 in area I and \$519 in area II.
10 e. Family of 5, \$614 in area I and \$597 in area II.
11 f. Family of 6, \$664 in area I and \$644 in area II.
12 g. Family of 7, \$719 in area I and \$698 in area II.
13 h. Family of 8, \$761 in area I and \$741 in area II.
14 i. Family of 9, \$798 in area I and \$774 in area II.
15 j. Family of 10, \$817 in area I and \$792 in area II.
16 k. For each additional member in the family over 10, \$17 shall be added
17 to the amount under subd. 1. j.

18 ••87b0448/3••SECTION 957r. 49.046 (3) (a) 1m of the statutes is created
19 to read:

20 49.046 (3) (a) 1m. The administering agency shall reduce the monthly
21 benefit payment under subd. 1 by the value of other benefits provided to the
22 family by the tribe and pay the amount of that reduction directly to the
23 elected tribal governing body.

24 ••87-2090/6••SECTION 958. 49.047 (title) and (1) of the statutes are
25 amended to read:

26 49.047 (title) RELIEF OF NEEDY INDIAN PERSONS; WORK EXPERIENCE PROGRAM.

27 (1) The purpose of the work experience program is to provide a useful work
28 experience, and when possible, work training opportunities which may lead to

1 gainful employment for the persons receiving relief under s. 49.046. The work
2 experience program may include a grant diversion program under s. 49.048.

3 ••87-2090/6••SECTION 959. 49.047 (7) of the statutes is created to read:
4 49.047 (7) An agency administering relief of needy Indian persons under
5 s. 49.046 may use work experience program funds to obtain tools and equipment
6 for use in the program if the agency receives approval from the department.

7 ••87-2090/6••SECTION 960. 49.048 of the statutes is created to read:
8 49.048 RELIEF OF NEEDY INDIAN PERSONS; GRANT DIVERSION. (1) In this
9 section:

10 (a) "Agency" means an agency administering relief of needy Indian persons
11 under s. 49.046 (4).

12 (b) "Operator" means an agency, if the agency administers a grant diver-
13 sion program under this section directly, or the person operating a grant
14 diversion program under a contract with an agency.

15 (2) An agency may administer, directly or by contract, a grant diversion
16 program. Under the program, the agency may use all or part of the grant pro-
17 vided under s. 49.046 to subsidize, for a period not to exceed 6 months, up to
18 50% of the wages an employer pays a recipient for a job performed by the
19 recipient under a written contract between the operator and the employer.

20 (3) A recipient working in a grant diversion program shall be paid by the
21 hour, using as the hourly rate the higher of the following:

22 (a) The hourly wage rate paid other entry level employees of the employer
23 who perform the same work.

24 (b) The federal minimum hourly wage under 29 USC 206 (a) (1).

25 (4) An employer shall repay the agency the total amount of wage subsidy
26 received for employing a recipient if the employer fails to retain the recip-
27 ient for 3 months following termination of the wage subsidy, unless cause
28 exists for the employer to dismiss the recipient.

1 (5) A grant diversion contract between an operator and an employer may
2 not contravene a collective bargaining agreement entered into by the employer.

3 (6) A grant diversion program may not be operated so as to supplant an
4 unsubsidized employe.

5 (7) The agency may not find a recipient ineligible for relief of needy
6 Indian persons benefits under s. 49.046 on the basis of income earned in a
7 grant diversion program.

8 (8) A recipient participating in a grant diversion project shall comply
9 with grant diversion rules promulgated under sub. (9). If the recipient vio-
10 lates grant diversion rules the agency may suspend relief of needy Indian
11 persons benefits to the recipient as follows:

12 (a) For a first violation, for a period not to exceed 30 days.

13 (b) For a 2nd or subsequent violation, for a period not to exceed 60
14 days.

15 (9) The department shall promulgate rules for the grant diversion
16 program.

17 ••87-2090/6••SECTION 961. 49.049 of the statutes is created to read:

18 49.049 TRIBAL ECONOMIC DEVELOPMENT PROJECTS. (1) Elected governing
19 bodies of American Indian tribes may submit proposals for economic development
20 projects to the department.

21 (2) The department, after consulting with the department of development,
22 shall establish criteria for evaluating proposals submitted under sub. (1).

23 (3) The department may provide not more than \$34,300 in fiscal year
24 1987-88 and not more than \$30,600 in fiscal year 1988-89 for economic
25 development projects which satisfy the criteria established under sub. (2) to
26 tribal governing bodies from funds appropriated for the administration of the
27 work experience program under s. 49.047. Funds not provided for economic
28 development projects shall be expended for the work experience program.

1 ••87b0433/2••SECTION 961g. 49.05 (2) of the statutes is amended to read:
 2 49.05 (2) The basis of total payment, including any amount of the payment
 3 which constitutes state reimbursement under s. 49.035 (1), of an individual
 4 granted work relief shall be per hour of work relief performed by that
 5 individual, using as the hourly rate at least the federal minimum hourly wage
 6 ~~prescribed by 29 USC 206 (a) (1)~~ under s. 104.025 (2) (a).

7 ••87b0433/2••SECTION 961r. 49.053 (2) (b) of the statutes is amended to
 8 read:
 9 49.053 (2) (b) The federal minimum hourly wage ~~prescribed by 29 USC 206~~
 10 ~~(a) (1)~~ under s. 104.025 (2) (a).

11 ••87b0556/1 •• 87b1226/2••SECTION 961u. 49.057 of the statutes is created
 12 to read:

13 49.057 GUARANTEED JOBS PROGRAM PARTICIPATION. (1) Except as provided
 14 under sub. (2), a person who graduates from a high school participating in the
 15 program under s. 46.33 at the time of the person's graduation and who receives
 16 general relief from the county in which the high school is located within 5
 17 years after high school graduation shall participate in the program under s.
 18 46.33. Participation in the program under s. 46.33 satisfies any requirement
 19 for participation in a work relief program under s. 49.05.

20 (2) The department shall provide by rule for exceptions to the require-
 21 ment under sub. (1) for individuals who are disabled, working or attending
 22 college, a vocational, technical and adult education school or other educa-
 23 tional program with a vocational objective or who lack transportation or for
 24 whom travel time to and from a training or job location would be excessive.

25 ••87-2091/2••SECTION 962. 49.12 (1) of the statutes is amended to read:
 26 49.12 (1) Any person who, with intent to secure public assistance under
 27 this chapter, whether for himself or for some other person, wilfully makes any
 28 false representations may, if the value of such assistance so secured does not

1 exceed \$100, be fined not more than \$250 or imprisoned not more than 6 months
2 or both, if the value of such assistance exceeds \$100 but does not exceed
3 \$500, be fined not more than \$500 or imprisoned not more than one year or
4 both, if the value of such assistance exceeds \$500, be fined not more than
5 \$500 or imprisoned not more than 5 years or both, and if the value of such
6 assistance exceeds \$2,500, be punished as prescribed under s. 943.20 (3) (c).

7 ••87-2091/2••SECTION 963. 49.12 (11) of the statutes is amended to read:
8 49.12 (11) "Public assistance" as used in this section includes general
9 relief ~~and assistance obtained through the food stamp program.~~

10 ••87b0447/2••SECTION 963m. 49.124 of the statutes is created to read:
11 49.124 FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM. The department shall
12 administer an employment and training program for recipients of food stamp
13 benefits under 7 USC 2011 to 2029.

14 ••87-2091/2••SECTION 964. 49.125 of the statutes is renumbered 49.125
15 (1).

16 ••87-2091/2••SECTION 965. 49.125 (2) of the statutes is created to read:
17 49.125 (2) A county or governing body of a federally recognized American
18 Indian tribe may retain 15% of the amount of an overpayment the state is
19 authorized to retain under 7 USC 2025 which is recovered under sub. (1) due to
20 the efforts of an employe or officer of the county or tribe. This subsection
21 does not apply to recovery of an overpayment that was made as a result of
22 state, county or tribal governing body error.

23 ••87-2091/2••SECTION 966. 49.127 of the statutes is created to read:

24 49.127 FOOD STAMP OFFENSES. (1) In this section:

25 (a) "Eligible person" means a member of a household certified as eligible
26 for the food stamp program or a person authorized to represent a certified
27 household under 7 USC 2020 (e) (7).

1 (b) "Food" means items which may be purchased using food coupons under 7
2 USC 2012 (g) and 2016 (b).

3 (c) "Food stamp program" means the federal food stamp program under 7 USC
4 2011 to 2029.

5 (d) "Supplier" means a retail grocery store or other person authorized by
6 the federal department of agriculture to accept food coupons in exchange for
7 food under the food stamp program.

8 (e) "Unauthorized person" means a person who is not one of the following:

9 1. An employe or officer of the federal government, the state, a county
10 or a federally recognized American Indian tribe acting in the course of offi-
11 cial duties in connection with the food stamp program.

12 2. A person acting in the course of duties under a contract with the
13 federal government, the state, a county or a federally recognized American
14 Indian tribe in connection with the food stamp program.

15 3. An eligible person.

16 4. A supplier.

17 5. A person authorized to redeem food coupons under 7 USC 2019.

18 (2) No person may misstate or conceal facts in a food stamp program
19 application with intent to secure food coupons.

20 (3) No person may knowingly issue food coupons to a person who is not an
21 eligible person or knowingly issue food coupons to an eligible person in
22 excess of the amount for which the person's household is eligible.

23 (4) No eligible person may knowingly transfer food coupons except to
24 purchase food from a supplier or knowingly obtain or use food coupons for
25 which the person's household is not eligible.

26 (5) No supplier may knowingly obtain food coupons except as payment for
27 food or knowingly obtain food coupons from a person who is not an eligible
28 person.

1 (6) No unauthorized person may knowingly obtain, possess, transfer or use
2 food coupons.

3 (7) No person may knowingly alter food coupons.

4 (8) (a) For a first offense under this section:

5 1. If the value of the food coupons does not exceed \$100, a person who
6 violates this section may be fined not more than \$1,000 or imprisoned not more
7 than one year in the county jail or both.

8 2. If the value of the food coupons exceeds \$100, a person who violates
9 this section may be fined not more than \$10,000 or imprisoned not more than 5
10 years or both.

11 (b) For a 2nd or subsequent offense under this section:

12 1. If the value of the food coupons does not exceed \$100, a person who
13 violates this section may be fined not more than \$1,000 or imprisoned not more
14 than one year in the county jail or both.

15 2. If the value of the food coupons exceeds \$100, a person who violates
16 this section may be fined not more than \$10,000 or imprisoned not more than 5
17 years or both.

18 (d) In addition to the penalties applicable under par. (a) or (b), the
19 court may suspend a person who violates this section from participation in the
20 food stamp program up to 18 months. The person may apply to the county
21 department under s. 46.215, 46.22 or 46.23 or the federally recognized Ameri-
22 can Indian tribal governing body or, if the person is a supplier, to the fed-
23 eral department of agriculture for reinstatement following the period of
24 suspension.

25 ••87-2091/2••SECTION 967. 49.133 of the statutes is created to read:

26 49.133 PERIODIC RECORDS MATCHES. (1) The department shall conduct a
27 program to periodically verify the eligibility of recipients of aid to fam-

1 ilies with dependent children under s. 49.19 through a check of school en-
2 rollment records of local school boards as provided in s. 118.125 (2) (i).

3 (2) The department shall conduct a program to periodically match records
4 of recipients of medical assistance under s. 49.46 or 49.47, aid to families
5 with dependent children under s. 49.19 and the food stamp program under 7 USC
6 2011 to 2029 with the records of recipients under those programs in other
7 states. If an agreement with the other states can be obtained, matches with
8 records of states contiguous to this state shall be conducted at least
9 annually.

10 (3) The department shall conduct a program to periodically match the
11 address records of recipients of medical assistance under s. 49.46 or 49.47,
12 aid to families with dependent children under s. 49.19 and the food stamp
13 program under 7 USC 2011 to 2029 to verify residency and to identify recip-
14 ients receiving duplicate or fraudulent payments.

15 (5) The department shall conduct a program to periodically match the
16 records of persons confined in state correctional facilities with the records
17 of recipients of medical assistance under s. 49.46 or 49.47, aid to families
18 with dependent children under s. 49.19 and the food stamp program under 7 USC
19 2011 to 2029 to identify recipients who may be ineligible for benefits.

20 ••87-2076/6••SECTION 969. 49.175 (4) of the statutes is amended to read:
21 49.175 (4) The cost of care of such patients shall be determined by
22 multiplying the per day patient rate for such facility as determined by
23 applying the formula under s. 49.45 (6m) ~~(a)~~ (ag), except that interest on
24 capital expenditures which are reimbursable under s. 51.91 shall be excluded,
25 times the number of days of care of such patients in the time period being
26 considered. Any amounts received by the facility from the patient or resident
27 shall be deducted from the costs determined under this subsection. This
28 section shall not be construed to require that as a condition of reimbursement

1 any facility must meet any skilled or intermediate care standards established
2 by the department.

3 ••87-2089/1••SECTION 970. 49.177 (3s) of the statutes is repealed and
4 recreated to read:

5 49.177 (3s) INCREASED SUPPLEMENTAL PAYMENT IN CERTAIN CASES. (a) The
6 department shall authorize the payment of an increased state supplement to a
7 person receiving payments under this section who resides in a residential
8 setting if the person needs at least 40 hours per month of supportive home
9 care, daily living skills training or community support services.

10 (b) If a person receiving payments under this section resides with a
11 spouse or is a minor child residing with a parent, only services needed when
12 the spouse or parent is away from the residence for purposes of employment
13 count toward the 40-hour requirement in par. (a).

14 (c) The department shall establish a uniform assessment process for
15 determining eligibility under this subsection.

16 (d) The amount payable under this subsection equals the amount of the
17 state supplement under sub. (2) (a) paid to persons living in nonmedical group
18 homes.

19 ••87b0555/1 •• 87b1226/2••SECTION 971m. 49.19 (2) (am) of the statutes is
20 created to read:

21 49.19 (2) (am) A county department under s. 46.215, 46.22 or 46.23 may
22 not accept a rent receipt to verify the residence of an applicant for or
23 recipient of aid under this section unless the receipt shows the name, address
24 and home and business telephone numbers of the landlord or the landlord's
25 designee.

26 ••87-2090/6••SECTION 972. 49.19 (4) (ds) of the statutes is repealed.

27 ••87b0411/3••SECTION 973d. 49.19 (5) (a) 4. (intro.) of the statutes is
28 amended to read:

1 49.19 (5) (a) 4. (intro.) ~~After~~ Except as provided under par. (am), after
2 disregarding the amounts specified under subds. 2 and 3, \$30 of earned income
3 and an amount equal to one-third of the remaining earned income not
4 disregarded, from the earned income of any person specified in subd. 2. These
5 disregards do not apply to:

6 ••87b0411/3••SECTION 973h. 49.19 (5) (a) 4m. (intro.) of the statutes is
7 amended to read:

8 49.19 (5) (a) 4m. (intro.) ~~After~~ Except as provided under par. (am),
9 after the person has received the benefit of the disregards under subd. 4 for
10 4 consecutive months, a disregard of \$30 of earned income shall be available
11 for 8 additional consecutive months. This disregard does not apply to:

12 ••87b0411/3••SECTION 973p. 49.19 (5) (a) 5 of the statutes is amended to
13 read:

14 49.19 (5) (a) 5. The disregards specified in subds. 2 to 4m and par. (am)
15 do not apply to the earned income of any person who violates 45 CFR 233.20 (a)
16 (11) (iii).

17 ••87b0411/3••SECTION 973t. 49.19 (5) (am) of the statutes is created to
18 read:

19 49.19 (5) (am) 1. Instead of the disregards under par. (a) 4 and 4m,
20 after disregarding the amounts specified under par. (a) 2 and 3, \$30 of earned
21 income and an amount equal to one-sixth of the remaining earned income not
22 disregarded shall be disregarded from the earned income of a person specified
23 in par. (a) 2. These disregards do not apply to:

24 a. The earned income of a person who has received the disregards for 12
25 consecutive months, until the person ceases to receive aid for 12 consecutive
26 months.

27 b. Earned income derived from a training or retraining project.

1 c. The earned income of a person whose income exceeds the person's need,
2 unless the person has received aid under this section in any of the 4 months
3 preceding the month in which the income exceeds the need.

4 2. The department shall request a waiver from the secretary of the fed-
5 eral department of health and human services to permit the application of the
6 earned income disregards in subd. 1. Subdivision 1 does not apply unless a
7 federal waiver is in effect. If a waiver is received, the department shall
8 implement subd. 1 no later than the first day of the 6th month beginning after
9 the waiver is approved.

10 ••87b0559/1 •• 87b1226/2••SECTION 973v. 49.19 (5) (cm) of the statutes is
11 created to read:

12 49.19 (5) (cm) 1. In this paragraph, "2-party payment" means a check
13 which is drawn in favor of a recipient of aid under this section and the
14 recipient's landlord, jointly.

15 2. A 2-party payment shall be made whenever a recipient of aid under this
16 section has failed to pay rent to the landlord for 2 months or more, unless
17 the failure to pay rent is authorized by law.

18 3. If a landlord reports to a county department under s. 46.215, 46.22 or
19 46.23 that a recipient has failed to pay rent for 2 or more months, the county
20 department shall do all of the following:

21 a. Inform the recipient of the report.

22 b. Investigate the report.

23 c. If it determines that the conditions for issuing a 2-party payment
24 under subd. 2 are met, inform the recipient of the right to a fair hearing on
25 the issue of whether 2-party payment of rent should be made and inform the
26 department of health and social services of its determination.

27 d. If it determines that 2-party payments should not be made, inform the
28 recipient and the landlord of that determination.

1 4. When it has been determined that a 2-party payment of rent should be
2 made, the department of health and social services shall issue the recipient's
3 monthly grant in 2 checks, a 2-party payment for the amount of the rent and a
4 check drawn in favor of the recipient for the balance of the grant amount.

5 5. The county department shall review each case in which a 2-party pay-
6 ment is being made at least once every 12 months and whenever a recipient
7 reports that a condition under subd. 6 for the cessation of 2-party payments
8 exists.

9 6. The county department shall inform the department of health and social
10 services, and the department of health and social services shall cease making
11 a 2-party payment, when the county department determines that any of the
12 following conditions exists:

- 13 a. A 2-party payment has been made for 24 consecutive months.
14 b. The recipient has reimbursed the landlord for all back rent owed.
15 c. The recipient has moved and has a different landlord.

16 7. The department shall promulgate rules for the administration of this
17 paragraph.

18 ••87-2091/2••SECTION 974. 49.19 (5) (e) of the statutes is amended to
19 read:

20 49.19 (5) (e) No aid may continue longer than 6 months without
21 reinvestigation, except that the department may provide that in certain cases
22 or groups of cases aid may continue up to 12 months without reinvestigation.
23 The county department under s. 46.215, 46.22 or 46.23 may conduct a
24 reinvestigation of a case whenever there is reason to believe circumstances
25 have changed. The county department under s. ~~46.215, 46.22 or 46.23~~ shall
26 submit information concerning reinvestigations, at such times and in such form
27 as the department requires, ~~detailing the number of redeterminations~~
28 ~~completed, the number overdue and the length of time they are overdue.~~ The

1 ~~department shall recertify a 10% random sample of all recipients in person~~
2 ~~every 6 months.~~

3 ••87b0411/3••SECTION 977m. 49.19 (11) (a) 1. a of the statutes is amended
4 to read:

5 49.19 (11) (a) 1. a. Monthly payments made under s. 20.435 (4) (d) and
6 (p) to persons or to families with dependent children shall be based on family
7 size and shall be at ~~85%~~ 84.04% of the total of the allowances under subs. 2
8 and 4 plus the following standards of assistance for the period from ~~September~~
9 ~~1, 1985~~ the first day of the first month beginning at least 20 days after the
10 effective date of this subd. 1. a [revisor inserts date], to March 31,
11 1987. June 30, 1989: [See Figure 49.19 (11) (a) 1. a. following]

12 -----
13 FIGURE: 49.19 (11) (A) 1. A.:
14 -----

15	<u>FAMILY SIZE</u>	<u>AREA I</u>		<u>AREA II</u>	
16	1	\$ 308	<u>\$ 311</u>	\$ 298	<u>\$ 301</u>
17	2	545	<u>550</u>	528	<u>533</u>
18	3	641	<u>647</u>	620	<u>626</u>
19	4	764	<u>772</u>	742	<u>749</u>
20	5	877	<u>886</u>	852	<u>861</u>
21	6	949	<u>958</u>	920	<u>929</u>
22	7	1,027	<u>1,037</u>	997	<u>1,007</u>
23	8	1,088	<u>1,099</u>	1,057	<u>1,068</u>
24	9	1,140	<u>1,151</u>	1,106	<u>1,117</u>
25	10	1,167	<u>1,179</u>	1,132	<u>1,143</u>

26 -----
27

NOTE: This is reconciled s. 49.19 (11) (a) 1. a. This section has been affected by drafts with the following LRB numbers: 1426 and 2102.

1

***NOTE: This is reconciled s. 49.19 (11) (a) 1. b. (intro.). This section has been affected by drafts with the following LRB numbers: 1426 and 2102.

2 ••87b0411/3••SECTION 978m. 49.19 (11) (a) 1. b of the statutes is
3 repealed.

4 ••87-1426/3••SECTION 979. 49.19 (11) (a) 1. bm of the statutes is created
5 to read:

6 49.19 (11) (a) 1. bm. The department shall request a waiver from the
7 secretary of the federal department of health and human services to permit
8 variable benefit schedules.

***NOTE: This draft (1426/3) reconciles LRB-1426/2 and LRB-2102/3. Both LRB-1426 and LRB-2102 should continue to appear in the sprint.

9

***NOTE: Treatments of s. 49.19 (11) (a) 1. a. (intro.) and b. (intro.) were eliminated from this draft (LRB-2102/4) as a result of reconciliation with LRB-1426.

10 ••87b0411/3••SECTION 979g. 49.19 (11) (a) 2 of the statutes is amended to
11 read:

12 49.19 (11) (a) 2. A monthly allowance of \$25 per person for each addi-
13 tional member in the family above 10 shall be added to the standard of assis-
14 tance specified under subd. 1. a ~~or b~~.

15 ••87b0411/3••SECTION 979r. 49.19 (11) (a) 4 of the statutes is amended to
16 read:

17 49.19 (11) (a) 4. In accordance with s. 49.19 (4) (g), a monthly allow-
18 ance of \$71 for each person in the family who qualifies for a payment under s.
19 49.19 (4) (g) shall be added to the standard of assistance specified under
20 subd. 1. a ~~or b~~.

21 ••87-2095/2••SECTION 981. 49.19 (11) (b) of the statutes is amended to
22 read:

1 49.19 (11) (b) The department shall implement a program of emergency
2 assistance to needy persons in cases of fire, flood, natural disaster or
3 energy ~~emergency~~ crisis. Eligibility shall not exceed the limitations for
4 federal participation defined by federal regulations, including 45 CFR
5 233.120. The aid granted, except for cases of energy ~~emergency~~ crisis, shall
6 not exceed \$150 per family member.

7 ••87b1105/2 •• 87b1226/2••SECTION 981m. 49.195 (2m) of the statutes is
8 created to read:

9 49.195 (2m) If the department recovers an overpayment of aid to families
10 with dependent children that was caused by fraud by withholding funds from the
11 grant, it shall withhold 10% of the grant each month unless a court orders a
12 different amount withheld. If the department recovers an overpayment of aid
13 to families with dependent children with any other cause, it shall withhold
14 not more than 7% of the grant each month.

15 ••87-2091/2••SECTION 982. 49.195 (4) of the statutes is amended to read:

16 49.195 (4) Any county or governing body of a federally recognized Ameri-
17 can Indian tribe may retain 15% of state aid distributed under s. 49.19 that
18 is recovered due to the efforts of ~~a county~~ an employe or officer of the
19 county or tribe. This subsection ~~applies only~~ does not apply to recovery of
20 aid that was provided as a result of ~~fraudulent activity by a recipient state,~~
21 county or tribal governing body error.

22 ••87-2091/2••SECTION 983. 49.195 (5) of the statutes is amended to read:

23 49.195 (5) The state's share of amounts recovered under this section
24 shall be credited to the ~~appropriations under s. 20.435 (4) (L) and (Lm) in~~
25 ~~equal proportions until the appropriation under s. 20.435 (4) (Lm) is credited~~
26 ~~with an amount equal to the amounts in the schedule, after which all receipts~~
27 ~~shall be credited to the appropriation under s. 20.435 (4) (L).~~

1 ••87-2091/2••SECTION 984. 49.197 (title) of the statutes is amended to
2 read:

3 49.197 (title) FRAUD INVESTIGATION AND REDUCTION AND ERROR REDUCTION.

4 ••87-2091/2••SECTION 985. 49.197 (1) of the statutes is renumbered 49.197
5 (1m) and amended to read:

6 49.197 (1m) (title) FRAUD INVESTIGATION. From the appropriations under
7 s. 20.435 (4) (L), ~~(Lm)~~, and (n) ~~and (nL)~~, the department shall establish a
8 program to investigate suspected fraudulent activity on the part of recipients
9 of medical assistance under ss. 49.46 to 49.47, aid to families with dependent
10 children under s. 49.19 and the food stamp program administered under s.
11 ~~46.215 (1) (k) or 46.22 (1) (b)~~ 5 7 USC 2011 to 2029. The department's
12 activities under this subsection may include, but are not limited to,
13 comparisons of information provided to the department by an applicant and
14 information provided by the applicant to other federal, state and local
15 agencies, development of an advisory welfare investigation prosecution stan-
16 dard and ~~administration of the welfare fraud investigation pilot project under~~
17 ~~sub. (2) provision of funds to county departments under s. 46.215, 46.22 and~~
18 46.23 to encourage activities to detect fraud.

19 ••87-2091/2••SECTION 986. 49.197 (1) of the statutes is created to read:
20 49.197 (1) ALLOCATION OF RECOVERED OVERPAYMENTS. The department shall
21 allocate the funds in s. 20.435 (4) (L) as follows:

22 (a) To fraud investigation under sub. (1m), all of the following:

23 1. Amounts recovered as a result of a determination by a court or admin-
24 istrative hearing official that a person intentionally misstated or concealed
25 facts or intentionally violated a law related to the medical assistance pro-
26 gram under s. 49.43 to 49.47, aid to families with dependent children under s.
27 49.19 or the food stamp program under 7 USC 2011 to 2029.

1 2. Amounts recovered as a result of an agreement between a person and a
2 district attorney, county department under s. 46.215, 46.22 or 46.23 or gov-
3 erning body of a federally recognized American Indian tribe in which the
4 person states, for the purpose of that agreement, that he or she intentionally
5 misstated or concealed facts or intentionally violated a law related to the
6 medical assistance program under s. 49.43 to 49.47, aid to families with
7 dependent children under s. 49.19 or the food stamp program under 7 USC 2011
8 to 2029.

9 (b) The funds which are not allocated under par. (a):

10 1. To state error reduction activities under sub. (3), 50%

11 2. To county and tribal governing body error reduction under sub. (4), 50%
12 ••87-2091/2••SECTION 987. 49.197 (2) of the statutes is repealed.

13 ••87-2091/2••SECTION 988. 49.197 (3) of the statutes is created to read:
14 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall con-
15 duct activities to reduce payment errors in medical assistance under ss. 49.43
16 to 49.47, aid to families with dependent children under s. 49.19 and the food
17 stamp program under 7 USC 2011 to 2029.

18 ••87-2091/2••SECTION 989. 49.197 (4) of the statutes is created to read:
19 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall pro-
20 vide funds from the appropriation under s. 20.435 (4) (L) and federal matching
21 funds from the appropriation under s. 20.435 (4) (n) to counties and governing
22 bodies of federally recognized American Indian tribes administering medical
23 assistance under ss. 49.43 to 49.47, aid to families with dependent children
24 under s. 49.19 or the food stamp program under 7 USC 2011 to 2029 to offset
25 administrative costs of reducing payment errors in those programs.

26 ••87b0559/1 •• 87b1226/2••SECTION 989e. 49.41 (title) of the statutes is
27 amended to read:

28 49.41 (title) ASSISTANCE GRANTS EXEMPT FROM LEVY; EXCEPTION.

1 ••87b0559/1 •• 87b1226/2••SECTION 989g. 49.41 of the statutes is renun-
2 bered 49.41 (1) and amended to read:

3 49.41 (1) All Except as provided in sub. (2), all grants of aid to fam-
4 ilies with dependent children, payments made for social services, and benefits
5 under s. 49.177 or federal Title XVI, are exempt from every tax, and from
6 execution, garnishment, attachment and every other process and shall be
7 inalienable.

8 ••87b0559/1 •• 87b1226/2••SECTION 989i. 49.41 (2) of the statutes is
9 created to read:

10 49.41 (2) Grants of aid to families with dependent children may be
11 garnisheed as provided under s. 812.233.

12 ••87b0364/3••SECTION 989m. 49.43 (3m) of the statutes is created to read:

13 49.43 (3m) "Developmentally disabled" has the meaning specified in s.
14 51.01 (5).

15 ••87b1453/2 •• 87b1990/en••SECTION 989mm. 49.43 (6m) of the statutes is
16 created to read:

17 49.43 (6m) "Institution for mental diseases" has the meaning specified in
18 42 CFR 435.1009.

19 ••87b0411/3••SECTION 989p. 49.43 (9m) of the statutes is created to read:

20 49.43 (9m) "Poverty line" means the poverty line as defined and revised
21 annually under 42 USC 9902 (2).

22 ••87b0411/3••SECTION 989r. 49.45 (2) (a) 1 of the statutes is amended to
23 read:

24 49.45 (2) (a) 1. Exercise responsibility relating to fiscal matters, the
25 eligibility for benefits under standards set forth in ss. 49.46 and to 49.47
26 and general supervision of the medical assistance program;

27 ••87-1296/1••SECTION 990. 49.45 (2) (a) 18 of the statutes is amended to
28 read: