

# State of Wisconsin



1995 Assembly Bill 1067

Date of enactment: **June 6, 1996**  
Date of publication\*: **June 20, 1996**

## 1995 WISCONSIN ACT 404

**AN ACT to repeal** 20.435 (3) (cc), 46.03 (7) (b), 46.25 (7), 46.252, 46.40 (4m), 46.45 (1), 46.98 (1) (d), 46.98 (4g) (title), 46.98 (4g) (a), 46.98 (4g) (b), 46.98 (4g) (c) and (d), 46.986 (3) (title), 767.02 (3), 767.085 (1) (g) and 767.085 (5); **to renumber** 20.435 (3) (g), 46.25 (2m), 46.25 (2p), 46.25 (3) and (4), 46.25 (6), 46.25 (7m), 46.25 (11), 46.255 (title), 46.255 (3), 46.255 (4m) (a), 46.255 (4m) (d), 46.258 (title), 46.258 (2) (a) 1., 46.979 (title), 46.979 (1), 46.979 (3), 46.98 (title) and (1) (intro.), (ad), (ag) and (am), 46.98 (1) (at), 46.98 (1) (b), 46.98 (1) (bd) and (bf), 46.98 (1) (bm) and (c), 46.98 (1) (cm), 46.98 (2) (b), 46.98 (2m) (title), 46.98 (2m) (a), 46.98 (2m) (c) and (d) 1., 46.98 (2m) (d) 2., 46.98 (2r) (title), (a), (b) and (d), 46.98 (3) (title), 46.98 (3) (a) and (b), 46.98 (3) (c), 46.98 (4) (title), (a) (intro.) and 1., 46.98 (4) (a) 2., 46.98 (4) (a) 3., 46.98 (4) (am), 46.98 (4) (b), 46.98 (4) (c), 46.98 (4) (d), 46.98 (4) (dg) and (dm), 46.98 (4) (e), 46.98 (5), 46.98 (6), 46.984 (title), 46.984 (1), 46.984 (2) (title), 46.984 (2) (c) and (d) and (3), 46.984 (4) (a), 46.984 (4) (intro.), (b) and (c), 46.986 (title), 46.986 (1) (intro.), 46.986 (1) (b), 46.986 (1) (d), (e), (g), (j) and (k), 46.986 (1) (m), 46.986 (1) (n), 46.986 (2) (title), 46.986 (2) (b) and (cm), 46.986 (6), 46.986 (7), 46.987 (title), 46.987 (1) (intro.), 46.987 (1) (a), 46.987 (1) (c), 46.987 (2) (title), 46.987 (2) (b) and (c), 46.987 (3) (title), 46.987 (3) (b), 46.987 (4) (b), 46.987 (4) (d) to (h) and (5) and 46.987 (6); **to renumber and amend** 20.435 (3) (cb), 20.435 (3) (ja), 20.435 (3) (jg), 46.25 (title), (1) and (2), 46.25 (8) and (9) (a), 46.25 (9) (b), 46.255 (1), 46.255 (2) and (2m), 46.255 (4), 46.255 (4m) (b) and (c), 46.255 (5) and (6), 46.255 (7), 46.258 (1), 46.258 (2) (a) (intro.), 46.258 (2) (a) 2. and 3. and (b), 46.979 (2) (intro.), 46.979 (2) (b) 1., 46.979 (2) (b) 2., 46.979 (2) (c) (intro.), 46.979 (2) (c) 1., 46.979 (2) (c) 2., 46.979 (2) (c) 3., 46.979 (2) (c) 4., 46.98 (2) (c), 46.982, 46.984 (2) (a), 46.986 (2) (a), 46.987 (1) (b), 46.987 (1) (d), 46.987 (1) (e), 46.987 (2) (a), 46.987 (3) (a), 46.987 (3) (c), 46.987 (4) (intro.), 46.987 (4) (a) and 46.987 (4) (c); **to amend** 20.435 (1) (n), 20.435 (7) (o), 20.445 (1) (k), 20.445 (3) (a), 20.445 (3) (n), 20.445 (3) (nL), 20.445 (3) (p), 20.855 (7) (j), 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1) (b), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.25 (4) (b), 45.351 (2) (c), 45.356 (6), 45.396 (6), 45.74 (6), 46.03 (7) (bm), 46.03 (18) (a), 46.10 (14) (b), 46.215 (1) (p), 46.22 (1) (b) 1. f., 46.40 (1) (a), 46.45 (intro.), 46.45 (6), 46.49 (1), 46.495 (1) (d), 46.495 (1) (dc), 46.495 (1) (f), 46.979 (2) (a), 46.98 (2) (a), 48.30 (6), 48.31 (7), 48.357 (5m), 48.36 (1) (b), 48.363 (1), 48.651 (1) (intro.), 49.191 (1) (b), 49.191 (2), 49.193 (8) (a), 49.22 (7), 49.25 (8) (a), 49.25 (8) (b), 49.27 (6) (c), 49.27 (10) (c), 49.27 (10) (e), 49.32 (1) (a), 49.83, 49.90 (2), 49.90 (2g), 59.07 (97), 59.395 (7), 59.458 (2), 69.03 (14), 69.15 (3) (b) 3., 71.75 (1), 71.75 (9), 71.78 (4) (g), 71.80 (3), 71.80 (3m) (a), 71.80 (3m) (b) 2., 71.88 (1) (a), 71.93 (1) (a) 2., 77.59 (5), 101.123 (1) (ad), 108.13 (4) (b), 108.13 (4) (f), 119.72 (2) (a), 119.72 (2) (b), 144.25 (8) (L), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.90 (3) (d), 234.90 (3g) (c), 234.905 (3) (d), 565.30 (5), 565.30 (5m), 767.045 (1) (c) 1., 767.045 (1) (c) 2., 767.075 (1) (a), 767.075 (1) (b), 767.075 (2) (a), 767.075 (2) (b), 767.077 (intro.), 767.078 (1) (d) 1. c., 767.078 (1) (d) 3., 767.08 (3), 767.085 (2) (b), 767.085 (2m) (a) 2., 767.13 (7), 767.15 (2), 767.23 (1n), 767.25 (1g), 767.25 (1j), 767.25 (4m) (d) 2., 767.25 (4m) (e) 1., 767.262 (1) (b), 767.262 (3), 767.265 (6) (c), 767.27 (3) (b), 767.27 (4), 767.29 (1), 767.29 (2), 767.295

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(2) (a) 2., 767.295 (2) (c), 767.32 (1) (a), 767.32 (1) (b) 4., 767.32 (1) (c) 1., 767.32 (2), 767.32 (4), 767.33 (1), 767.45 (6m), 767.45 (7), 767.455 (6), 767.47 (6) (a), 767.51 (3m) (d) 2., 767.51 (3m) (e) 1., 767.51 (4g), 767.51 (4m), 767.52 (3), 767.53 (2), 769.31 (1), 949.08 (2) (g) and 978.06 (6); **to repeal and recreate** 20.435 (1) (n), 20.445 (3) (n), 20.445 (3) (nL), 46.495 (1) (d), 46.495 (1) (dc) and 46.495 (1) (f); and **to create** 20.445 (3) (cp), 49.13, 49.131 (4), 49.22 (7), 103.005 (18) and 767.001 (1d) of the statutes; **relating to:** transferring the bureau of child support and the office of child care from the department of health and family services to the department of industry, labor and job development, granting rule-making authority and making appropriations.

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

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

				1995-96	1996-97
<b>20.445</b>	<b>Industry, labor and job development, department of</b>				
(3)	ECONOMIC SUPPORT				
(cp)	At-risk and low-income child care	GPR	A	-0-	5,163,300

**SECTION 2.** 20.435 (1) (n) of the statutes is repealed and recreated to read:

20.435 (1) (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs and all moneys transferred from the appropriation account under sub. (3) (kx), to be expended for the purposes specified.

**SECTION 3.** 20.435 (1) (n) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.435 (1) (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs and all moneys transferred from the appropriation account under sub. (3) (kx), to be expended for the purposes specified.

**SECTION 4.** 20.435 (3) (cb) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 20.445 (3) (cb) and amended to read:

20.445 (3) (cb) *Child support collection — county administration.* The amounts in the schedule for the county child support order revision programs under s. 46.258 49.23 (1), for state incentive payments under s. 46.258 49.23 (2), for assistance to counties in establishing paternity and obtaining child support and for payments to Milwaukee County under s. 49.25 (8) (b) to fund an additional family court commissioner.

**SECTION 5.** 20.435 (3) (cc) of the statutes, as affected by 1995 Wisconsin Act 27, is repealed.

**SECTION 6.** 20.435 (3) (g) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 20.445 (3) (g).

**SECTION 7.** 20.435 (3) (ja) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 20.445 (3) (ja) and amended to read:

20.445 (3) (ja) *Child support state operations — fees.* All moneys received from fees charged under s. 46.25 49.22 (8) and from fees charged and incentive payments

and collections retained under s. 46.25 49.22 (7m), for administering the program under s. 46.25 49.22 and all other purposes specified in s. 46.25 49.22.

**SECTION 8.** 20.435 (3) (jg) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 20.445 (3) (jg) and amended to read:

20.445 (3) (jg) *State child care program operations.* All moneys transferred from sub. s. 20.435 (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats., for the purposes of providing child care services under ss. 46.98 49.132 (2m); and (3) and (4g) and 49.191 (1) (b) and (2); and for providing training for child care providers, and for automating state child care licensing. All moneys transferred from sub. s. 20.435 (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats., shall be distributed in the calendar year immediately following the transfer according to an expenditure plan that is determined by the department and approved by the secretary of administration.

**SECTION 9.** 20.435 (7) (o) of the statutes, as affected by 1995 Wisconsin Act 216, is amended to read:

20.435 (7) (o) *Federal aid; community aids.* All federal moneys received in amounts pursuant to allocation plans developed by the department for the provision or purchase of services authorized under par. (b) and s. 46.70; all federal moneys received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985; all federal child care and development block grant funds received under 42 USC 9858 that are allocated under s. 46.40 (4m) for distribution under s. 46.98 (2); all federal moneys received as child care grants under 42 USC 603 (n) as allocated under s. 46.40 (4m) and distributed under s. 46.98 (2); and all unanticipated federal social services block grant funds received under 42 USC 1397 to 1397e, in accordance with s. 46.49 (2), for distribution under s. 46.40. Disbursements from this appropriation may be made directly to counties for social and mental hygiene

services under s. 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal requirements for the disbursement of federal funds.

**SECTION 10.** 20.445 (1) (k) of the statutes is amended to read:

20.445 (1) (k) *Fees.* All moneys received from fees charged to counties ~~and to the department of health and social services~~ under ss. ~~46.25~~ 49.22 (8) and 108.13 (4) (f) for administrative costs incurred in the enforcement of child and spousal support obligations under 42 USC 654.

**SECTION 11.** 20.445 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

20.445 (3) (a) *General program operations.* The amounts in the schedule for general program operations relating to economic support, including field services and administrative services, and for administering the program under s. 49.22 and all other purposes specified in s. 49.22. No moneys may be expended under this paragraph for the program under, or any other purpose specified in, s. 49.22 unless moneys appropriated under par. (ja) are insufficient for the purposes specified under that paragraph.

**SECTION 12.** 20.445 (3) (cp) of the statutes is created to read:

20.445 (3) (cp) *At-risk and low-income child care.* The amounts in the schedule for at-risk and low-income child care under s. 49.132.

**SECTION 13.** 20.445 (3) (n) of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

20.445 (3) (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs and all moneys transferred from the appropriation accounts under s. 20.435 (3) (n) and (8) (n). to be expended for the purposes specified.

**SECTION 14.** 20.445 (3) (n) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.445 (3) (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs to be expended for the purposes specified.

**SECTION 15.** 20.445 (3) (nL) of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

20.445 (3) (nL) *Federal program local assistance.* All moneys received from the federal government or any of its agencies for continuing programs and all moneys transferred from the appropriation account under s. 20.435 (3) (nL). to be expended as local assistance for the purposes specified, except that the following amounts shall lapse from this appropriation to the general fund: in each calendar year, 55% of the federal moneys made available to support prosecution of welfare fraud in this state, as determined by the secretary of administration.

**SECTION 16.** 20.445 (3) (nL) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.445 (3) (nL) *Federal program local assistance.* All moneys received from the federal government or any of its agencies for continuing programs to be expended as local assistance for the purposes specified, except that the following amounts shall lapse from this appropriation to the general fund: in each calendar year, 55% of the federal moneys made available to support prosecution of welfare fraud in this state, as determined by the secretary of administration.

**SECTION 17.** 20.445 (3) (p) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

20.445 (3) (p) *Federal aid; income maintenance payments.* All federal moneys received for meeting costs of county administered public assistance programs under subch. III of ch. 49, the costs of the child and spousal support and establishment of paternity program under s. ~~46.25~~ 49.22 and the cost of child care and related transportation under s. 49.26 (1) (e). Disbursements under s. 46.03 (20) may be made from this appropriation. Any disbursement made under this appropriation to carry out a contract under ss. ~~46.25~~ 49.22 (7) and 59.07 (97) shall be in accordance with the formula established by the department of ~~health and social services~~ industry, labor and job development under s. ~~46.25~~ 49.22 (7).

**SECTION 18.** 20.855 (7) (j) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

20.855 (7) (j) *Delinquent support and maintenance payments.* All moneys received under s. ~~46.255~~ 49.855 for child support, maintenance, medical expenses or birth expenses, to be distributed to clerks of court.

**SECTION 19.** 21.49 (2) (e) of the statutes is amended to read:

21.49 (2) (e) Delinquent in child support or maintenance payments and who does not owe past support, medical expenses or birth expenses, as established by the receipt by the department of a certification under s. ~~46.255~~ 49.855 (7).

**SECTION 20.** 36.11 (6) (b) of the statutes is amended to read:

36.11 (6) (b) The board may not make a grant under par. (a) to a person if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 21.** 36.25 (14) of the statutes is amended to read:

36.25 (14) GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the system. The grants shall be awarded from the appropriation under s. 20.285 (4) (b). The board shall give preference in

awarding grants under this subsection to residents of this state. The board may not make a grant under this subsection to a person if it receives a certification under s. ~~46.255 49.855~~ (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 22.** 36.34 (1) (b) of the statutes is amended to read:

36.34 (1) (b) The board shall establish a grant program for minority undergraduates enrolled in the system. The board shall designate all grants under this subsection as Lawton grants. Grants shall be awarded from the appropriation under s. 20.285 (4) (dd). The board may not make a grant under this subsection to a person if it receives a certification under s. ~~46.255 49.855~~ (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 23.** 39.30 (2) (e) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

39.30 (2) (e) The department may not make a grant to a student if the department receives a certification under s. ~~46.255 49.855~~ (7) that the student is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 24.** 39.38 (2) of the statutes, as affected by [1995 Wisconsin Act 27](#), section 1887g, is amended to read:

39.38 (2) Grants under this section shall be based on financial need, as determined by the department. The maximum grant shall not exceed \$2,200 per year, of which not more than \$1,100 may be from the appropriation under s. 20.235 (1) (fb). State aid from this appropriation may be matched by a contribution from a federally recognized American Indian tribe or band that is deposited in the general fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall be awarded to students for full-time or part-time attendance at any accredited institution of higher education in this state. The department may not make a grant under this section to a student if the department receives a certification under s. ~~46.255 49.855~~ (7) that the student is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. Grants shall be renewable for up to 5 years if a recipient remains in good academic standing at the institution that he or she is attending. The American Indian language and culture education board shall advise the department on the allocation of grants to students enrolled less than half-time.

**SECTION 25.** 39.435 (6) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

39.435 (6) The department may not make a grant under this section to a person if the department receives a certification under s. ~~46.255 49.855~~ (7) that the person is

delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 26.** 39.44 (4) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

39.44 (4) The department shall notify an institution or school receiving funds under sub. (2) if the department receives a certification under s. ~~46.255 49.855~~ (7) that a student is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. An institution or school may not award a grant under this section to a student if it receives a notification under this subsection concerning that student.

**SECTION 27.** 39.47 (2m) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

39.47 (2m) No resident of this state may receive a waiver of nonresident tuition under this section if the department receives a certification under s. ~~46.255 49.855~~ (7) that the resident is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 28.** 45.25 (4) (b) of the statutes is amended to read:

45.25 (4) (b) The department may not provide reimbursement under sub. (2) to an individual who is delinquent in child support or maintenance payments or who owes past support, medical expenses or birth expenses, as established by the receipt by the department of a certification under s. ~~46.255 49.855.~~

**SECTION 29.** 45.351 (2) (c) of the statutes is amended to read:

45.351 (2) (c) No person may receive a loan under this subsection if the department receives a certification under s. ~~46.255 49.855~~ (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 30.** 45.356 (6) of the statutes is amended to read:

45.356 (6) No person may receive a loan under this section if the department receives a certification under s. ~~46.255 49.855~~ (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 31.** 45.396 (6) of the statutes is amended to read:

45.396 (6) The department may not make a grant to a person under this section if it receives a certification under s. ~~46.255 49.855~~ (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 32.** 45.74 (6) of the statutes is amended to read:

45.74 (6) DELINQUENT SUPPORT PAYMENTS. It has received a certification under s. ~~46.255 49.855~~ (7) that the person is delinquent in child support or maintenance pay-

ments or owes past support, medical expenses or birth expenses.

**SECTION 33.** 46.03 (7) (b) of the statutes, as affected by [1995 Wisconsin Act 225](#), is repealed.

**SECTION 34.** 46.03 (7) (bm) of the statutes is amended to read:

46.03 (7) (bm) Maintain a file containing records of artificial inseminations under s. 891.40 and records of declarations of paternal interest under s. 48.025 and of statements acknowledging paternity under s. 69.15 (3) (b). The department shall release these records only upon an order of the court except that the department may use nonidentifying information concerning artificial inseminations for the purpose of compiling statistics and except that records relating to declarations of paternal interest and statements acknowledging paternity may be used shall be released to the department of industry, labor and job development or its designee under s. 59.07 (97) without a court order upon the request of the department of industry, labor and job development or its designee under s. 59.07 (97) pursuant to the program responsibilities under s. ~~46.25 49.22~~ or by any other person with a direct and tangible interest in the record.

**SECTION 35.** 46.03 (18) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department of health and family services shall establish a uniform system of fees for services provided or purchased by the department of health and family services, or a county department under s. 46.215, 46.22, 51.42 or 51.437, except for services provided under subch. III of ch. 49; services relating to adoption; services provided to courts; ~~child support and paternity establishment services to recipients of aid to families with dependent children~~; outreach, information and referral services; or where, as determined by the department of health and family services, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees which it collects under this program to cover the cost of such services. The department of health and family services shall report to the joint committee on finance no later than March 1 of each year on the number of children placed for adoption by the department of health and family services during the previous year and the costs to the state for services relating to such adoptions.

**SECTION 36.** 46.10 (14) (b) of the statutes, as affected by [1995 Wisconsin Act 77](#), is amended to read:

46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 48.355, 48.357, 938.183 (2), 938.355 or 938.357 in a residential, nonmedical facility such as a group home, foster home, treatment foster home, child caring

institution or juvenile correctional institution shall be determined by the court by using the percentage standard established by the department of industry, labor and job development under s. ~~46.25 49.22~~ (9) (a) and by applying the percentage standard in the manner established by the department under s. ~~46.25 (9) (b) 46.247~~.

**SECTION 37.** 46.215 (1) (p) of the statutes is amended to read:

46.215 (1) (p) To establish and administer the child care program under s. ~~46.98 49.132~~.

**SECTION 38.** 46.22 (1) (b) 1. f. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

46.22 (1) (b) 1. f. To establish and administer the child care program under s. ~~46.98 49.132~~.

**SECTION 39.** 46.25 (title), (1) and (2) of the statutes are renumbered 49.22 (title), (1) and (2), and 49.22 (1), as renumbered, is amended to read:

49.22 (1) There is created a child and spousal support and establishment of paternity and medical liability support program in the department. The purpose of this program is to establish paternity when possible, to establish or modify support obligations, to enforce support obligations owed by parents to their children and maintenance obligations owed to spouses or former spouses with whom the children reside in this state or owed in other states if the support order was issued in this state or owed in other states if the parent, spouse or former spouse resides in this state, to locate persons who are alleged to have taken their child in violation of s. 948.31 or of similar laws in other states, and to locate and value property of any person having a support duty. To accomplish the objectives of this program and of other assistance programs under ~~ch. 49 this chapter~~, county and state agencies will cooperate with one another to implement a child and spousal support and paternity establishment program in accordance with state and federal laws, regulations and rules and to assure proper distribution of benefits of all assistance programs authorized under ~~ch. 49 this chapter~~.

**SECTION 40.** 46.25 (2m) of the statutes, as affected by [1995 Wisconsin Act 187](#), is renumbered 49.22 (2m).

**SECTION 41.** 46.25 (2p) of the statutes, as created by [1995 Wisconsin Act 187](#), is renumbered 49.22 (2p).

**SECTION 42.** 46.25 (3) and (4) of the statutes are renumbered 49.22 (3) and (4).

**SECTION 43.** 46.25 (6) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.22 (6).

**SECTION 44.** 46.25 (7) of the statutes, as affected by [1995 Wisconsin Act 225](#), section 98, is repealed.

**SECTION 45.** 46.25 (7m) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.22 (7m).

**SECTION 46.** 46.25 (8) and (9) (a) of the statutes are renumbered 49.22 (8) and (9), and 49.22 (8), as renumbered, is amended to read:

49.22 (8) The department may charge other states and counties seeking collection of child and spousal support for any administrative costs it incurs in providing

services related to interstate child support collections, the federal parent locator service under [42 USC 653](#), the interception of unemployment compensation under [42 USC 654](#) or the withholding of state and federal income tax refunds under s. 46.255 [49.855](#) and [42 USC 664](#).

**SECTION 47.** 46.25 (9) (b) of the statutes, as affected by [1995 Wisconsin Act 77](#), is renumbered 46.247 and amended to read:

**46.247** (title) **Application of child support standard for certain children.** For purposes of determining child support under s. 46.10 (14) (b), the department shall promulgate separate rules related to the application of the standard established by the department of industry, labor and job development under ~~par. (a) s. 49.22 (9)~~ to a child support obligation for the care and maintenance of a child who is placed by a court order under s. 48.355, 48.357, 938.183 (2), 938.355 or 938.357 in a residential, non-medical facility. The rules shall take into account the needs of any person, including dependent children other than the child, whom either parent is legally obligated to support.

**SECTION 48.** 46.25 (11) of the statutes is renumbered 49.22 (11).

**SECTION 49.** 46.252 of the statutes, as created by [1995 Wisconsin Act 27](#), is repealed.

**SECTION 50.** 46.255 (title) of the statutes is renumbered 49.855 (title).

**SECTION 51.** 46.255 (1) of the statutes, as affected by [1995 Wisconsin Act 279](#), is renumbered 49.855 (1) and amended to read:

49.855 (1) If a person obligated to provide child support or maintenance is delinquent in making court-ordered payments, or owes an outstanding amount that has been ordered by the court for past support, medical expenses or birth expenses, the clerk of circuit court or county support collection designee under s. 59.07 (97m), whichever is appropriate, upon application of the county designee under s. 59.07 (97) or the department of industry, labor and job development, shall certify the delinquent payment or outstanding amount to the department of industry, labor and job development.

**SECTION 52.** 46.255 (2) and (2m) of the statutes are renumbered 49.855 (2) and (2m), and 49.855 (2), as renumbered, is amended to read:

49.855 (2) At least annually, the department of ~~health and social services~~ industry, labor and job development shall provide to the department of revenue the certifications that it receives under sub. (1) and any certifications of delinquencies or outstanding amounts that it receives from another state because the obligor resides in this state.

**SECTION 53.** 46.255 (3) of the statutes, as affected by [1995 Wisconsin Act 279](#), is renumbered 49.855 (3).

**SECTION 54.** 46.255 (4) of the statutes, as affected by [1995 Wisconsin Act 279](#), is renumbered 49.855 (4) and amended to read:

49.855 (4) The department of revenue shall send that portion of any state or federal tax refunds or credits withheld for delinquent child support or maintenance or past support, medical expenses or birth expenses to the department of ~~health and social services~~ industry, labor and job development for distribution to the appropriate clerk of circuit court or county support collection designee under s. 59.07 (97m). The department of ~~health and social services~~ industry, labor and job development shall make a settlement at least annually with the department of revenue and with each clerk of circuit court or county support collection designee under s. 59.07 (97m) who has certified a delinquent obligation or outstanding amount for past support, medical expenses or birth expenses. The settlement shall state the amounts certified, the amounts deducted from tax refunds and credits and returned to the clerk of circuit court or county support collection designee under s. 59.07 (97m) and the administrative costs incurred by the department of revenue. The department of ~~health and social services~~ industry, labor and job development may charge the county whose clerk of circuit court or county support collection designee under s. 59.07 (97m) certified the obligation or outstanding amount the related administrative costs incurred by the department of ~~health and social services~~ industry, labor and job development and the department of revenue.

**SECTION 55.** 46.255 (4m) (a) of the statutes is renumbered 49.855 (4m) (a).

**SECTION 56.** 46.255 (4m) (b) and (c) of the statutes, as affected by [1995 Wisconsin Act 279](#), are renumbered 49.855 (4m) (b) and (c) and amended to read:

49.855 (4m) (b) The department of revenue may provide a certification that it receives under sub. (2) or (2m) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. ~~49 46~~ or 108. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. ~~49 46~~ or 108, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past support, medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the

matter for hearing. The family court commissioner may conduct the hearing. Pending further order by the court or family court commissioner, the clerk of circuit court or county support collection designee under s. 59.07 (97m) may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or maintenance.

(c) Except as provided by order of the court after hearing under par. (b), the department of administration shall continue withholding until the amount certified is recovered in full. The department of administration shall transfer the amounts withheld under this paragraph to the department of ~~health and social services~~ industry, labor and job development for distribution to the appropriate clerk of court or county support collection designee under s. 59.07 (97m) or department of health and family services, whichever is appropriate.

**SECTION 57.** 46.255 (4m) (d) of the statutes is renumbered 49.855 (4m) (d).

**SECTION 58.** 46.255 (5) and (6) of the statutes, as affected by [1995 Wisconsin Act 279](#), are renumbered 49.855 (5) and (6), and 49.855 (5), as renumbered, is amended to read:

49.855 (5) Certification of an obligation to the department of ~~health and social services~~ industry, labor and job development does not deprive any party of the right to collect the obligation or to prosecute the obligor. The clerk of court or county support collection designee under s. 59.07 (97m), whichever is appropriate, shall immediately notify the department of industry, labor and job development of any collection of an obligation that has been certified by the clerk of court or county support collection designee under s. 59.07 (97m). The department of industry, labor and job development shall correct the certified obligation according to the amount the county has collected and report the correction to the department of revenue.

**SECTION 59.** 46.255 (7) of the statutes is renumbered 49.855 (7) and amended to read:

49.855 (7) The department of industry, labor and job development may provide a certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.351 (2) (c), 45.356 (6), 45.396 (6), 45.74 (6), 144.25 (8) (L), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.90 (3) (d) or (3g) (c), 234.905 (3) (d) or 949.08 (2) (g).

**SECTION 60.** 46.258 (title) of the statutes is renumbered 49.23 (title).

**SECTION 61.** 46.258 (1) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.23 (1) and amended to read:

49.23 (1) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the department shall award grants to counties for programs to revise child support orders. Each county receiving a grant shall review child support orders awarded to persons who receive benefits under s. 48.57 (3m) or 49.148 or whose children receive benefits under s. 49.19 and to persons who do not receive benefits under s. 48.57 (3m) or 49.148 and whose children do not receive benefits under s. 49.19 and shall initiate actions to revise the orders based on that review. Each county receiving a grant shall review child support orders awarded to persons who receive benefits under s. 48.57 (3m) or 49.148 or whose children receive benefits under s. 49.19 and child support orders awarded to persons who do not receive benefits under s. 48.57 (3m) or 49.148 and whose children do not receive benefits under s. 49.19 in proportion to the number of those 2 categories of orders in the county's child support case load. Before a county may initiate an action to revise a child support order under this subsection for a person who does not receive benefits under s. 48.57 (3m) or 49.148 and whose children do not receive benefits under s. 49.19, the custodial parent of the children must voluntarily consent to the revision.

**SECTION 62.** 46.258 (2) (a) (intro.) of the statutes, as affected by [1995 Wisconsin Act 27](#), section [2160b](#), is renumbered 49.23 (2) (a) (intro.) and amended to read:

49.23 (2) (a) (intro.) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the department shall provide state incentive payments, in a total amount of not less than \$259,000 in each fiscal year, to counties that meet the child support collection and child support administrative efficiency criteria, according to a distribution formula determined by the department that does all of the following:

**SECTION 63.** 46.258 (2) (a) 1. of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.23 (2) (a) 1.

**SECTION 64.** 46.258 (2) (a) 2. and 3. and (b) of the statutes are renumbered 49.23 (2) (a) 2. and 3. and (b), and 49.23 (2) (a) 3. and (b), as renumbered, are amended to read:

49.23 (2) (a) 3. Provides for state incentive payments to a county in an amount such that the total of state and federal incentive payments to the county is not more than 5% more than the costs of the county's child support program under s. ~~46.25~~ 49.22.

(b) A county that receives a state incentive payment under par. (a) may use the funds only to pay the costs of its child support program under s. ~~46.25~~ 49.22.

**SECTION 65.** 46.40 (1) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

46.40 (1) (a) Within the limits of available federal funds and of the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds for community social, mental health, developmental disabilities and alcohol and other drug abuse services and for services

under ss. 46.51, 46.87, 46.98 (2m), (3) and (4g), 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, and to county aging units ~~and to private nonprofit organizations as authorized under s. 46.98 (2) (a)~~, as provided in subs. (2) to (8).

**SECTION 66.** 46.40 (4m) of the statutes, as created by [1995 Wisconsin Act 27](#), is repealed.

**SECTION 67.** 46.45 (intro.) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

**46.45 Carry-over of community aids funds.** (intro.) Funds allocated by the department under ss. 46.495 (1) (d), 46.87 (3) (c) 4. and (4), ~~46.98 (2) (a)~~ and 51.423 (2) but not spent or encumbered by counties, governing bodies of federally recognized American Indian tribes or private nonprofit organizations by December 31 of each year and funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and deposited in the appropriation under s. 20.435 (7) (b) lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year under s. 20.435 (7) (b) or as follows:

**SECTION 68.** 46.45 (1) of the statutes, as affected by [1995 Wisconsin Act 27](#), is repealed.

**SECTION 69.** 46.45 (6) of the statutes is amended to read:

46.45 (6) The department may carry forward 10% of any funds not carried forward under ~~subs. (1) and sub. (3)~~ for emergencies, for justifiable unit services costs above planned levels and to provide compensation for increased costs due to population shifts.

**SECTION 70.** 46.49 (1) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

46.49 (1) Subject to ss. 46.40 (1) (b) and 46.48 (15) (b), if the department receives unanticipated federal community mental health services block grant funds under [42 USC 300x to 300x-9](#), federal prevention and treatment of substance abuse block grant funds under [42 USC 300x-21 to 300x-35](#), ~~federal child care grant funds under 42 USC 603 (n)~~, or foster care and adoption assistance payments under [42 USC 670 to 679a](#) or ~~child care and development block grant funds under 42 USC 9858~~ and it proposes to allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the department may implement the plan, notwithstanding any allocation limits under s. 46.40. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, not-

withstanding s. 46.40, only with the approval of the committee.

**SECTION 71.** 46.495 (1) (d) of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the department of health and family services shall distribute the funding for social services, including funding for foster care or treatment foster care of a child on whose behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. From the appropriations under s. 20.445 (3) (cp), (jg) and (md), the department of industry, labor and job development shall distribute funding for at-risk and low-income child care under s. 49.132 (2) (a). County matching funds are required for the distributions under s. ~~ss. 46.40 (2), (4m) and (8) and 49.132 (2) (a).~~ Each county's required match for a year equals 9.89% of the total of the county's distributions for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its distribution for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

**SECTION 72.** 46.495 (1) (d) of the statutes, as affected by [1995 Wisconsin Act ...](#) (this act), is repealed and recrafted to read:

46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute the funding for social services, including funding for foster care or treatment foster care of a child on whose behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2) and (8). Each county's required match for a year equals 9.89% of the total of the county's distributions for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its distribution for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the differ-

ence between the required and the actual amount of county matching funds.

**SECTION 73.** 46.495 (1) (dc) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

46.495 (1) (dc) The department of health and family services shall prorate the amount allocated by that department to any county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal funds available. The department of industry, labor and job development shall prorate the amount allocated by that department to any county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal funds available.

**SECTION 74.** 46.495 (1) (dc) of the statutes, as affected by 1995 Wisconsin Act ... (this act), is repealed and recreated to read:

46.495 (1) (dc) The department shall prorate the amount allocated to any county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal funds available.

**SECTION 75.** 46.495 (1) (f) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

46.495 (1) (f) 1. If any state matching funds allocated by the department of health and family services under par. (d) to match county funds are not claimed, the funds shall be redistributed for the purposes ~~the~~ that department designates. If any state matching funds allocated by the department of industry, labor and job development under par. (d) to match county funds are not claimed, the funds shall be redistributed for the purposes that department designates.

2. The county allocation to match aid increases shall be included in the ~~contract~~ contracts under s. ~~ss.~~ 46.031 (2g) and 49.325 (2g) and approved by January 1 of the year for which funds are allocated, in order to generate state aid matching funds. All funds allocated under par. (d) shall be included in the ~~contract~~ contracts under s. ~~ss.~~ 46.031 (2g) and 49.325 (2g) and approved.

**SECTION 76.** 46.495 (1) (f) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

46.495 (1) (f) 1. If any state matching funds allocated under par. (d) to match county funds are not claimed, the funds shall be redistributed for the purposes the department designates.

2. The county allocation to match aid increases shall be included in the contract under s. 46.031 (2g) and approved by January 1 of the year for which funds are allocated, in order to generate state aid matching funds. All funds allocated under par. (d) shall be included in the contract under s. 46.031 (2g) and approved.

**SECTION 77.** 46.979 (title) of the statutes is renumbered 49.131 (title).

**SECTION 78.** 46.979 (1) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.131 (1).

**SECTION 79.** 46.979 (2) (intro.) of the statutes is renumbered 49.131 (2) (intro.) and amended to read:

49.131 (2) (intro.) Subject to ~~ss. sub. (4) and s. 16.54 (2) and 46.49 (4)~~, the department shall, within the limits of the availability of the federal child care and development block grant funds received under [42 USC 9858](#), do all of the following:

**SECTION 80.** 46.979 (2) (a) of the statutes, as affected by [1995 Wisconsin Act 216](#), is amended to read:

46.979 (2) (a) From the appropriation under s. ~~20.435 (7) (e), as allocated in s. 46.40 (4m) 20.445 (3) (md)~~, distribute \$9,998,500 in fiscal year 1995-96 and \$10,099,200 in fiscal year 1996-97 for child day care services under s. 46.98 (2m) and (3).

**SECTION 81.** 46.979 (2) (b) 1. of the statutes, as affected by [1995 Wisconsin Act 27](#), section [2355](#), is renumbered 49.131 (2) (b) 1. and amended to read:

49.131 (2) (b) 1. From the appropriation under s. ~~20.435 (3) (kx) 20.445 (3) (mc)~~, distribute \$190,800 in fiscal year 1995-96 and \$197,700 in fiscal year 1996-97 for the purposes of providing technical assistance for child care providers and of administering the child care programs funded under s. ~~20.435 (3) (ky) and (7) (b) and (e) 20.445 (3) (cp) and (md)~~.

**SECTION 82.** 46.979 (2) (b) 2. of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.131 (2) (b) 2. and amended to read:

49.131 (2) (b) 2. From the appropriation under s. ~~20.435 (6) 20.445 (3) (mc)~~ distribute \$948,300 in fiscal year ~~1995-96~~ and transfer \$1,026,800 in fiscal year 1996-97 to the appropriation under s. 20.435 (6) (kx) for the purpose of day care center licensing under s. 48.65.

**SECTION 83.** 46.979 (2) (c) (intro.) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.131 (2) (c) (intro.) and amended to read:

49.131 (2) (c) (intro.) From the appropriation under s. ~~20.435 (3) (ky) 20.445 (3) (md)~~, distribute as follows the federal child care and development block grant funds that are received under [42 USC 9858](#) and that are not distributed under par. (a) or (b):

**SECTION 84.** 46.979 (2) (c) 1. of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.131 (2) (c) 1. and amended to read:

49.131 (2) (c) 1. For grants under s. ~~46.986 49.136 (2)~~ for the start-up and expansion of child day care services, and for child day care start-up and expansion planning, \$430,000 in fiscal year 1995-96 and \$226,400 in fiscal year 1996-97.

**SECTION 85.** 46.979 (2) (c) 2. of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.131 (2) (c) 2. and amended to read:

49.131 (2) (c) 2. For grants under s. ~~46.984 49.134 (2)~~ for child day care resource and referral services, \$960,000 in fiscal year 1995-96 and \$960,000, in fiscal year 1996-97.

**SECTION 86.** 46.979 (2) (c) 3. of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.131 (2) (c) 3. and amended to read:

49.131 (2) (c) 3. For grants under s. ~~46.987~~ 49.137 (3) to assist child care providers in meeting the quality of care standards established under s. ~~46.98~~ 49.132 (4) (e) and for a system of rates or a program of grants, as provided under s. ~~46.98~~ 49.132 (4) (e), to reimburse child care providers that meet those quality of care standards, \$1,559,200 in fiscal year 1995–96 and \$1,576,700 in fiscal year 1996–97. If an amount distributed under this subdivision will not be fully expended, the department may transfer the unexpended funds to the distribution under subd. 4.

**SECTION 87.** 46.979 (2) (c) 4. of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.131 (2) (c) 4. and amended to read:

49.131 (2) (c) 4. For grants under s. ~~46.987~~ 49.137 (2) and contracts under s. ~~46.987~~ 49.137 (4) to improve the quality of child day care services in this state, \$450,000 in fiscal year 1995–96 and \$450,000 in fiscal year 1996–97, plus any amounts that the department transfers to this distribution under subd. 3.

**SECTION 88.** 46.979 (3) of the statutes is renumbered 49.131 (3).

**SECTION 89.** 46.98 (title) and (1) (intro.), (ad), (ag) and (am) of the statutes are renumbered 49.132 (title) and (1) (intro.), (ad), (ag) and (am).

**SECTION 90.** 46.98 (1) (at) of the statutes, as created by [1995 Wisconsin Act 289](#), is renumbered 49.132 (1) (at).

**SECTION 91.** 46.98 (1) (b) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.132 (1) (b).

**SECTION 92.** 46.98 (1) (bd) and (bf) of the statutes, as created by [1995 Wisconsin Act 289](#), are renumbered 49.132 (1) (bd) and (bf).

**SECTION 93.** 46.98 (1) (bm) and (c) of the statutes are renumbered 49.132 (1) (bm) and (c).

**SECTION 94.** 46.98 (1) (cm) of the statutes, as created by [1995 Wisconsin Act 289](#), is renumbered 49.132 (1) (cm).

**SECTION 95.** 46.98 (1) (d) of the statutes is repealed.

**SECTION 96.** 46.98 (2) (a) of the statutes, as affected by [1995 Wisconsin Acts 216](#) and [289](#), is amended to read:

46.98 (2) (a) The department shall distribute the funds allocated under s. ~~46.40(1) and (4m)~~ 49.13 for at-risk, ~~and~~ low-income ~~and respite~~ child care services under subs. (2m) and ~~(4g)~~ (3) to county departments under s. 46.215, 46.22 or 46.23. ~~In addition, the department shall distribute the funds allocated under s. 46.40(1) and (4m) for low-income and at-risk child care services under subs. (2m) and (3) and to private nonprofit child care providers who provide child care for the children of migrant workers and to county departments under s. 46.215, 46.22 or 46.23.~~

**SECTION 97.** 46.98 (2) (b) of the statutes is renumbered 49.132 (2) (b).

**SECTION 98.** 46.98 (2) (c) of the statutes is renumbered 49.132 (2) (c) and amended to read:

49.132 (2) (c) A county may use up to 5% of the funds distributed under par. (a) to its county department under s. 46.215, 46.22 or 46.23 for the costs of administering the programs under subs. (2m); ~~and~~ (3) ~~and (4g)~~.

**SECTION 99.** 46.98 (2m) (title) of the statutes is renumbered 49.132 (2m) (title).

**SECTION 100.** 46.98 (2m) (a) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.132 (2m) (a).

**SECTION 101.** 46.98 (2m) (c) and (d) 1. of the statutes are renumbered 49.132 (2m) (c) and (d) 1.

**SECTION 102.** 46.98 (2m) (d) 2. of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.132 (2m) (d) 2.

**SECTION 103.** 46.98 (2r) (title), (a), (b) and (d) of the statutes are renumbered 49.132 (2r) (title), (a), (b) and (d).

**SECTION 104.** 46.98 (3) (title) of the statutes is renumbered 49.132 (3) (title).

**SECTION 105.** 46.98 (3) (a) and (b) of the statutes, as affected by [1995 Wisconsin Act 27](#), are renumbered 49.132 (3) (a) and (b).

**SECTION 106.** 46.98 (3) (c) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.132 (3) (c).

**SECTION 107.** 46.98 (4) (title), (a) (intro.) and 1. of the statutes are renumbered 49.132 (4) (title), (a) (intro.) and 1.

**SECTION 108.** 46.98 (4) (a) 2. of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.132 (4) (a) 2.

**SECTION 109.** 46.98 (4) (a) 3. of the statutes is renumbered 49.132 (4) (a) 3.

**SECTION 110.** 46.98 (4) (am) of the statutes, as created by [1995 Wisconsin Act 289](#), is renumbered 49.132 (4) (am).

**SECTION 111.** 46.98 (4) (b) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.132 (4) (b).

**SECTION 112.** 46.98 (4) (c) of the statutes is renumbered 49.132 (4) (c).

**SECTION 113.** 46.98 (4) (d) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.132 (4) (d).

**SECTION 114.** 46.98 (4) (dg) and (dm) of the statutes, as created by [1995 Wisconsin Act 289](#), are renumbered 49.132 (4) (dg) and (dm).

**SECTION 115.** 46.98 (4) (e) of the statutes is renumbered 49.132 (4) (e).

**SECTION 116.** 46.98 (4g) (title) of the statutes is repealed.

**SECTION 117.** 46.98 (4g) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is repealed.

**SECTION 118.** 46.98 (4g) (b) of the statutes, as affected by [1995 Wisconsin Act 289](#), is repealed.

**SECTION 119.** 46.98 (4g) (c) and (d) of the statutes are repealed.

**SECTION 120.** 46.98 (5) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.132 (5).

**SECTION 121.** 46.98 (6) of the statutes, as created by [1995 Wisconsin Act 289](#), is renumbered 49.132 (6).

**SECTION 122.** 46.982 of the statutes is renumbered 49.133, and 49.133 (intro.), as renumbered, is amended to read:

**49.133 Refusal to pay child care providers.** (intro.)  
The department or a county department under s. 46.215, 46.22 or 46.23 may refuse to pay a child care provider for child care provided under s. ~~46.98~~ [49.132](#) or any other program if any of the following applies to the child care provider, employe or person living on the premises where child care is provided:

**SECTION 123.** 46.984 (title) of the statutes is renumbered 49.134 (title).

**SECTION 124.** 46.984 (1) of the statutes is renumbered 49.134 (1).

**SECTION 125.** 46.984 (2) (title) of the statutes is renumbered 49.134 (2) (title).

**SECTION 126.** 46.984 (2) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.134 (2) (a) and amended to read:

49.134 (2) (a) From the allocation under s. ~~46.979~~ [49.131](#) (2) (c) 2., the department shall make grants to local agencies to fund child care resource and referral services provided by those local agencies. The department shall provide an allocation formula to determine the amount of a grant awarded under this section.

**SECTION 127.** 46.984 (2) (c) and (d) and (3) of the statutes are renumbered 49.134 (2) (c) and (d) and (3).

**SECTION 128.** 46.984 (4) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.134 (4) (a).

**SECTION 129.** 46.984 (4) (intro.), (b) and (c) of the statutes are renumbered 49.134 (4) (intro.), (b) and (c).

**SECTION 130.** 46.986 (title) of the statutes is renumbered 49.136 (title).

**SECTION 131.** 46.986 (1) (intro.) of the statutes is renumbered 49.136 (1) (intro.).

**SECTION 132.** 46.986 (1) (b) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.136 (1) (b).

**SECTION 133.** 46.986 (1) (d), (e), (g), (j) and (k) of the statutes are renumbered 49.136 (1) (d), (e), (g), (j) and (k).

**SECTION 134.** 46.986 (1) (m) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.136 (1) (m).

**SECTION 135.** 46.986 (1) (n) of the statutes is renumbered 49.136 (1) (n).

**SECTION 136.** 46.986 (2) (title) of the statutes is renumbered 49.136 (2) (title).

**SECTION 137.** 46.986 (2) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.136 (2) (a) and amended to read:

49.136 (2) (a) From the allocation under s. ~~46.979~~ [49.131](#) (2) (c) 1., the department shall award grants for the start-up or expansion of child care services.

**SECTION 138.** 46.986 (2) (b) and (cm) of the statutes, as affected by [1995 Wisconsin Act 27](#), are renumbered 49.136 (2) (b) and (cm).

**SECTION 139.** 46.986 (3) (title) of the statutes is repealed.

**SECTION 140.** 46.986 (6) of the statutes is renumbered 49.136 (6).

**SECTION 141.** 46.986 (7) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.136 (7).

**SECTION 142.** 46.987 (title) of the statutes is renumbered 49.137 (title).

**SECTION 143.** 46.987 (1) (intro.) of the statutes is renumbered 49.137 (1) (intro.).

**SECTION 144.** 46.987 (1) (a) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.137 (1) (a).

**SECTION 145.** 46.987 (1) (b) of the statutes is renumbered 49.137 (1) (b) and amended to read:

49.137 (1) (b) “Day care center” has the meaning given in s. ~~46.986~~ [49.136](#) (1) (d).

**SECTION 146.** 46.987 (1) (c) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.137 (1) (c).

**SECTION 147.** 46.987 (1) (d) of the statutes is renumbered 49.137 (1) (d) and amended to read:

49.137 (1) (d) “Family day care center” has the meaning given in s. ~~46.986~~ [49.136](#) (1) (j).

**SECTION 148.** 46.987 (1) (e) of the statutes is renumbered 49.137 (1) (e) and amended to read:

49.137 (1) (e) “Group day care center” has the meaning given in s. ~~46.986~~ [49.136](#) (1) (k).

**SECTION 149.** 46.987 (2) (title) of the statutes is renumbered 49.137 (2) (title).

**SECTION 150.** 46.987 (2) (a) of the statutes, as affected by [1995 Wisconsin Act 289](#), is renumbered 49.137 (2) (a) and amended to read:

49.137 (2) (a) From the allocation under s. ~~46.979~~ [49.131](#) (2) (c) 4., the department may award grants to child care providers that meet the quality of care standards established under s. ~~46.98~~ [49.132](#) (4) (e) or 49.155 (6) to improve the retention of skilled and experienced child care staff. In awarding grants under this subsection, the department shall consider the applying child care provider’s total enrollment of children and average enrollment of children who receive or are eligible for publicly funded care from the child care provider.

**SECTION 151.** 46.987 (2) (b) and (c) of the statutes are renumbered 49.137 (2) (b) and (c).

**SECTION 152.** 46.987 (3) (title) of the statutes is renumbered 49.137 (3) (title).

**SECTION 153.** 46.987 (3) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.137 (3) (a) and amended to read:

49.137 (3) (a) From the allocation under s. ~~46.979~~ [49.131](#) (2) (c) 3., the department may award grants to child care providers for assistance in meeting the quality of care standards established under s. ~~46.98~~ [49.132](#) (4) (e).

**SECTION 154.** 46.987 (3) (b) of the statutes is renumbered 49.137 (3) (b).

**SECTION 155.** 46.987 (3) (c) of the statutes is renumbered 49.137 (3) (c) and amended to read:

49.137 (3) (c) A child care provider that is awarded a grant under this subsection shall use the grant funds to attempt to meet the quality of care standards established under s. ~~46.98~~ [49.132](#) (4) (e) within 24 months after receipt of the grant.

**SECTION 156.** 46.987 (4) (intro.) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.137 (4) (intro.) and amended to read:

49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the allocation under s. ~~46.979~~ [49.131](#) (2) (c) 4., the department may contract with one or more agencies for the provision of training and technical assistance to improve the quality of child care provided in this state. The training and technical assistance activities contracted for under this subsection may include any of the following activities:

**SECTION 157.** 46.987 (4) (a) of the statutes is renumbered 49.137 (4) (a) and amended to read:

49.137 (4) (a) Developing and recommending to the department a system of higher reimbursement rates or a program of grants for child care providers that meet the quality of care standards established under s. ~~46.98~~ [49.132](#) (4) (e).

**SECTION 158.** 46.987 (4) (b) of the statutes is renumbered 49.137 (4).

**SECTION 159.** 46.987 (4) (c) of the statutes is renumbered 49.137 (4) (c) and amended to read:

49.137 (4) (c) Disseminating to the public information about child care that meets the quality of care standards established under s. ~~46.98~~ [49.132](#) (4) (e).

**SECTION 160.** 46.987 (4) (d) to (h) and (5) of the statutes are renumbered 49.137 (4) (d) to (h) and (5).

**SECTION 161.** 46.987 (6) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 49.137 (6).

**SECTION 162.** 48.30 (6) of the statutes, as affected by [1995 Wisconsin Act 77](#), is amended to read:

48.30 (6) If a petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days from the plea hearing for the child who is held in

secure custody and no more than 30 days from the plea hearing for a child who is not held in secure custody. If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of industry, labor and job development under s. ~~46.25~~ [49.22](#) (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent the court may proceed immediately with the dispositional hearing.

**SECTION 163.** 48.31 (7) of the statutes is amended to read:

48.31 (7) At the close of the fact-finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days from the fact-finding hearing for a child in secure custody and no more than 30 days from the fact-finding hearing for a child not held in secure custody. If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of industry, labor and job development under s. ~~46.25~~ [49.22](#) (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may immediately proceed with a dispositional hearing.

**SECTION 164.** 48.357 (5m) of the statutes is amended to read:

48.357 (5m) If a proposed change in placement changes a child's placement from a placement in the child's home to a placement outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth

the percentage standard established by the department of industry, labor and job development under s. 46.25 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If the child is placed outside the child's home, the court shall determine the liability of the parent in the manner provided in s. 46.10 (14).

**SECTION 165.** 48.36 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

48.36 (1) (b) In determining the amount of support under par. (a), the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported to the department of industry, labor and job development, or the county child and spousal support agency, under s. 46.25 49.22 (2m). If the court has insufficient information with which to determine the amount of support, the court shall order the child's parent to furnish a statement of income, assets, debts and living expenses, if the parent has not already done so, to the court within 10 days after the court's order transferring custody or designating an alternative placement is entered or at such other time as ordered by the court.

**SECTION 166.** 48.363 (1) of the statutes, as affected by 1995 Wisconsin Act 275, is amended to read:

48.363 (1) A child, the child's parent, guardian or legal custodian, any person or agency bound by a dispositional order or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement, including a revision with respect to the amount of child support to be paid by a parent, or the court may on its own motion propose such a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter if the request or court proposal indicates that new information is available which affects the advisability of the court's dispositional order and prior to any revision of the dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves. If a hearing is held, the court shall notify the child, the child's parent, guardian and legal custodian, all parties bound by the dispositional order, the child's foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If the proposed revision is for a change in the amount of child support to be paid by a parent, the court shall order the child's parent to provide a statement of income, assets, debts and living

expenses to the court and the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of industry, labor and job development under s. 46.25 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

**SECTION 167.** 48.651 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Act 289, section 73, is amended to read:

48.651 (1) (intro.) Each county department shall certify, according to the standards adopted by the department under s. 46.03 (21), each day care provider reimbursed for child care services provided to families determined eligible under ss. 46.98 49.132 (2r) and (4) and 49.155 (1m), unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification. The county shall certify the following categories of day care providers:

**SECTION 168.** 49.13 of the statutes is created to read:

**49.13 At-risk and low-income child care.** Within the limits of available federal funds and the appropriation under s. 20.445 (3) (cp), the department shall distribute under s. 49.132 (2) not more than \$21,504,800 in fiscal year 1996-97.

**SECTION 169.** 49.131 (4) of the statutes is created to read:

49.131 (4) If the department receives unanticipated federal child care and development block grant funds under 42 USC 9858 and it proposes to allocate the unanticipated funds so that an allocation limit in sub. (2) is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the department may implement the plan, notwithstanding any allocation limit under sub. (2). If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding sub. (2), only with the approval of the committee.

**SECTION 170.** 49.191 (1) (b) of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

49.191 (1) (b) Within the limits of funds available under ~~ss. 20.435 (3) (jg) and s. 20.445 (3) (cn), (jg) and (na)~~, the department shall provide funds for individuals who are working and who receive aid to families with dependent children to pay child care costs in excess of the amount of the child care disregard under s. 49.19 (5) (a) and child care costs incurred before the child care disregard under s. 49.19 (5) (a) becomes available if the child care is provided by a child care provider. This paragraph does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

**SECTION 171.** 49.191 (2) of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

49.191 (2) CHILD CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN. The department shall pay the child care costs of an individual who secures unsubsidized employment and loses eligibility for aid to families with dependent children because of earned income or number of hours worked for up to 12 months following the loss of eligibility if the child care is provided by a child care provider. The department shall establish a formula for assistance based on ability to pay. The rates for child care services under this subsection shall be determined under s. ~~46.98~~ [49.132](#) (4) (d), (dg) or (dm), whichever is applicable, or, if a higher rate is established under s. ~~46.98~~ [49.132](#) (4) (e) and if the child care services meet the quality standards established under s. ~~46.98~~ [49.132](#) (4) (e), the rates for child care services under this subsection that meet those standards shall be determined under s. ~~46.98~~ [49.132](#) (4) (e). The department shall promulgate rules for the disbursement of funds under this subsection. This subsection does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

**SECTION 172.** 49.193 (8) (a) of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

49.193 (8) (a) The department shall pay child care costs of persons with approved employability plans who are participating in the program under this section and of persons who are participating in orientation and job search activities required under sub. (3m). Payment or reimbursement shall be in an amount based on need, with the maximum amount per child equal to the lesser of the actual cost of care or the rate established under s. ~~46.98~~ [49.132](#) (4) (d), (dg) or (dm), whichever is applicable, or, if a higher rate is established under s. ~~46.98~~ [49.132](#) (4) (e) and if the child care meets the quality standards established under s. ~~46.98~~ [49.132](#) (4) (e), payment or reimbursement for child care that meets those standards shall be in an amount based on need, with the maximum amount per child equal to the lesser of the actual cost of the care or the rate established under s. ~~46.98~~ [49.132](#) (4) (e).

**SECTION 173.** 49.22 (7) of the statutes is created to read:

49.22 (7) The department may represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation. The department may delegate its authority to represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to an attorney responsible for support enforcement under s. 59.458 (1) pursuant to a contract entered into under s. 59.07 (97). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. 59.07 (97), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.445 (3) (p) to carry out a contract under this subsection.

**SECTION 174.** 49.22 (7) of the statutes, as created by [1995 Wisconsin Act ...](#) (this act), is amended to read:

49.22 (7) The department may represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation. The department may delegate its authority to represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to an attorney responsible for support enforcement under s. ~~59.458 (1)~~ [59.53 \(6\) \(a\)](#) pursuant to a contract entered into under s. ~~59.07 (97)~~ [59.53 \(5\)](#). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. ~~59.07 (97)~~ [59.53 \(5\)](#), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.445 (3) (p) to carry out a contract under this subsection.

**SECTION 175.** 49.25 (8) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), section [2896b](#), is amended to read:

49.25 (8) (a) From the appropriation under s. ~~20.435~~ [20.445](#) (3) (cb), the department of ~~health and social services~~ shall provide funds to pilot counties for assistance in establishing paternity and obtaining child support.

**SECTION 176.** 49.25 (8) (b) of the statutes, as affected by [1995 Wisconsin Act 27](#), section [2898b](#), is amended to read:

49.25 (8) (b) From the appropriation under s. ~~20.435~~ [20.445](#) (3) (cb), the department of ~~health and social ser-~~

vices shall provide funds to Milwaukee county to fund an additional family court commissioner.

**SECTION 177.** 49.27 (6) (c) of the statutes, as affected by [1995 Wisconsin Acts 27](#) and [289](#), is amended to read:

49.27 (6) (c) *Benefits.* A county department under s. 46.215, 46.22 or 46.23 shall provide assistance in paying the child care costs of a work-not-welfare group that is eligible to receive benefits under this paragraph if the child care is provided by a child care provider, as defined in s. ~~46.98~~ [49.132](#) (1) (am). The formula for determining the amount of assistance shall be the same as the formula established by the department under s. 49.191 (2). The rates for child care services under this paragraph shall be determined under s. ~~46.98~~ [49.132](#) (4) (d), (dg) or (dm), whichever is applicable, or, if a higher rate is established under s. ~~46.98~~ [49.132](#) (4) (e) and if the child care services meet the quality standards established under s. ~~46.98~~ [49.132](#) (4) (e), the rates for child care services under this paragraph that meet those standards shall be determined under s. ~~46.98~~ [49.132](#) (4) (e). The department shall promulgate rules for the disbursement of funds under this paragraph.

**SECTION 178.** 49.27 (10) (c) of the statutes is amended to read:

49.27 (10) (c) *Children's services network.* Each county department under s. 46.215, 46.22 or 46.23 entering into a contract with the department under par. (a) shall establish a children's services network. The children's services network shall provide information about community resources available to the children in a work-not-welfare group during the work-not-welfare group's benefit period and the work-not-welfare group's period of ineligibility under sub. (4) (f), including charitable food and clothing centers; the state supplemental food program for women, infants and children under s. 253.06; and child care programs under s. ~~46.98~~ [49.132](#).

**SECTION 179.** 49.27 (10) (e) of the statutes, as affected by [1995 Wisconsin Act 27](#), section [2915b](#), is amended to read:

49.27 (10) (e) *Child support assistance.* From the appropriation under s. ~~20.435~~ [20.445](#) (3) (cb), the department of ~~health and social services~~ may provide funds to pilot counties for assistance in establishing paternity and obtaining child support.

**SECTION 180.** 49.32 (1) (a) of the statutes, as created by [1995 Wisconsin Act 27](#), is amended to read:

49.32 (1) (a) The department shall establish a uniform system of fees for services provided or purchased under this subchapter by the department, or a county department under s. 46.215, 46.22 or 46.23, except as provided in s. 49.22 (6) and except where, as determined by the department, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22 or 46.23 shall apply the fees which it collects under this program to cover the cost of such services.

**SECTION 181.** 49.83 of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

**49.83 Limitation on giving information.** Except as provided under s. 49.32 (9) and (10), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity services under s. 49.22 or supplemental payments under s. 49.77, for any purpose not connected with the administration of the programs. Any person violating this ~~subsection~~ section may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

**SECTION 182.** 49.90 (2) of the statutes is amended to read:

49.90 (2) Upon failure of these relatives to provide maintenance the authorities or board shall submit to the corporation counsel a report of its findings. Upon receipt of the report the corporation counsel shall, within 60 days, apply to the circuit court for the county in which the dependent person under sub. (1) (a) 1. or the child of a dependent person under sub. (1) (a) 2. resides for an order to compel the maintenance. Upon such an application the corporation counsel shall make a written report to the county department under s. 46.215, 46.22 or 46.23, with a copy to the chairperson of the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multi-county department, and to the department of health and social services or the department of industry, labor and job development, whichever is appropriate.

**SECTION 183.** 49.90 (2g) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who is or may be required to provide maintenance under sub. (1) (a) 2., a child of a dependent minor or the child's parent may apply to the circuit court for the county in which the child resides for an order to compel the provision of maintenance. A county department under s. 46.215, 46.22 or 46.23, a county child support agency or the department of ~~health and social services~~ industry, labor and job development may initiate an action to obtain maintenance of the child by the child's grandparent under sub. (1) (a) 2., regardless of whether the child receives public assistance.

**SECTION 184.** 59.07 (97) of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

59.07 (97) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT LIABILITY PROGRAM. The county board shall contract with the department of ~~health and social services~~ industry, labor and job development to implement and administer the child and spousal sup-

port and establishment of paternity and the medical support liability programs provided for by Title IV of the federal social security act. The board may designate by board resolution any office, officer, board, department or agency as the county designee. The board or its designee shall implement and administer the programs in accordance with the contract with the state department of ~~health and social services~~ industry, labor and job development. The attorneys responsible for support enforcement under s. 59.458 (1), family court commissioner, clerk of court and all other county officials shall cooperate with the county and the department of industry, labor and job development as necessary to provide the services required under the programs. The county shall charge the fee established by the department of industry, labor and job development under s. ~~46.25 49.22~~ for services provided under this subsection to persons not receiving benefits under s. 49.148, 49.153 or 49.155 or assistance under s. 46.261, 49.19 or 49.47.

**SECTION 185.** 59.395 (7) of the statutes is amended to read:

59.395 (7) Cooperate with the department of ~~health and social services~~ industry, labor and job development with respect to the child and spousal support and establishment of paternity and medical liability support program under ss. ~~46.25 49.22~~ and 59.07 (97), and provide that department with any information from court records which it requires to administer that program.

**SECTION 186.** 59.458 (2) of the statutes is amended to read:

59.458 (2) Attorneys responsible for support enforcement under sub. (1) shall institute, commence, appear in or perform other prescribed duties in actions or proceedings under ss. ~~46.25 49.22~~ (7), 59.07 (97), 767.075, 767.08 and 767.45 and ch. 769.

**SECTION 187.** 69.03 (14) of the statutes is amended to read:

69.03 (14) Provide hospitals with a pamphlet containing information for parents about birth certificates including how to add the name of the father of a child whose parents were not married at any time from the conception to the birth of the child to the birth certificate under s. 69.15 (3) (b) or, if the father will not sign an affidavit, through a paternity action; the legal significance and future medical advantages to the child of having the father's name inserted on the birth certificate; and the availability of services under s. ~~46.25 49.22~~.

**SECTION 188.** 69.15 (3) (b) 3. of the statutes is amended to read:

69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both parents, along with the fee under s. 69.22, the state registrar shall insert the name of the father under subd. 1. The state registrar shall mark the certificate to show that the form is on file. The form shall be available

to the department of industry, labor and job development or its designee under s. 59.07 (97) pursuant to the program responsibilities under s. ~~46.25 49.22~~ or to any other person with a direct and tangible interest in the record. The state registrar shall include on the form for the acknowledgment a notice of the information in ss. 767.458 (1) (a) to (e) and 767.62.

**SECTION 189.** 71.75 (1) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

71.75 (1) Except as provided in ss. ~~46.255 49.855~~, 71.77 (5) and (7) (b) and 71.935, the provisions for refunds and credits provided in this section shall be the only method for the filing and review of claims for refund of income and surtaxes, and no person may bring any action or proceeding for the recovery of such taxes other than as provided in this section.

**SECTION 190.** 71.75 (9) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

71.75 (9) All refunds under this chapter are subject to attachment under ss. ~~46.255 49.855~~, 71.93 and 71.935.

**SECTION 191.** 71.78 (4) (g) of the statutes is amended to read:

71.78 (4) (g) Employees of this state, to the extent that the department of revenue deems the examination necessary for the employees to perform their duties under contracts or agreements between the department and any other department, division, bureau, board or commission of this state relating to the administration of tax laws or child and spousal support enforcement under s. ~~46.25 49.22~~.

**SECTION 192.** 71.80 (3) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

71.80 (3) CREDITING OF OVERPAYMENTS ON INDIVIDUAL OR SEPARATE RETURNS. In the case of any overpayment, refundable credit or refund on an individual or separate return, the department of revenue, within the applicable period of limitations, may credit the amount of overpayment, refundable credit or refund including any interest allowed, against any liability in respect to any tax collected by the department, a debt under s. 71.93 or 71.935 or a certification under s. ~~46.255 49.855~~ on the part of the person who made the overpayment or received the refundable credit or the refund and shall refund any balance to the person. The department shall presume that the overpayment, refundable credit or refund is nonmarital property of the filer. Within 2 years after the crediting, the spouse or former spouse of the person filing the return may file a claim for a refund of amounts credited by the department if the spouse or former spouse shows by clear and convincing evidence that all or part of the state tax overpayment, refundable credit or refund was nonmarital property of the nonobligated spouse.

**SECTION 193.** 71.80 (3m) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

71.80 (3m) (a) Against any liability of either spouse or both spouses in respect to an amount owed the department, a certification under s. ~~46.255 49.855~~ that is subject

to s. 766.55 (2) (b) or a debt under s. 71.93 or 71.935 that is subject to s. 766.55 (2) (b) and that was incurred during marriage by a spouse after December 31, 1985, or after both spouses are domiciled in this state, whichever is later, except as provided in s. 71.10 (6) (a) and (b) and (6m).

**SECTION 194.** 71.80 (3m) (b) 2. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

71.80 (3m) (b) 2. In respect to a debt under s. 71.93 or 71.935 or a certification under s. ~~46.255~~ [49.855](#) if that debt or certification is not subject to s. 766.55 (2) (b).

**SECTION 195.** 71.88 (1) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

71.88 (1) (a) *Contested assessments and claims for refund.* Except for refunds set off under s. 71.93 in respect to which appeal is to the agency to which the debt is owed, except for refunds set off under s. 71.935 in respect to which an appeal is held under procedures that the department of revenue establishes and except for refunds set off under s. ~~46.255~~ [49.855](#) in respect to which a hearing is held before the circuit court, any person feeling aggrieved by a notice of additional assessment, refund, or notice of denial of refund may, within 60 days after receipt of the notice, petition the department of revenue for redetermination. A petition or an appeal by one spouse is a petition or an appeal by both spouses. The department shall make a redetermination on the petition within 6 months after it is filed.

**SECTION 196.** 71.93 (1) (a) 2. of the statutes is amended to read:

71.93 (1) (a) 2. A delinquent child support or spousal support obligation that has been reduced to a judgment and has been submitted by an agency of another state to the department of ~~health and social services~~ industry, labor and job development for certification under this section.

**SECTION 197.** 77.59 (5) of the statutes is amended to read:

77.59 (5) The department may offset the amount of any refund for a period, together with interest on the refund, against deficiencies for another period, and against penalties and interest on the deficiencies, or against any amount of whatever kind, due and owing on the books of the department from the person claiming the refund. If the refund is to be paid to a buyer, the department may also set off amounts in the manner in which it sets off income tax and franchise tax refunds under s. 71.93 and may set off amounts for child support or maintenance or both in the manner in which it sets off income taxes under ss. ~~46.255~~ [49.855](#) and 71.93 (3), (6) and (7).

**SECTION 198.** 101.123 (1) (ad) of the statutes is amended to read:

101.123 (1) (ad) "Day care center" has the meaning given in s. ~~46.986~~ [49.136](#) (1) (d).

**SECTION 199.** 103.005 (18) of the statutes is created to read:

103.005 (18) The department shall administer the child support and paternity establishment programs under subch. III of ch. 49, as well as perform other functions related to child support that are specified in ch. 49.

**SECTION 200.** 108.13 (4) (b) of the statutes is amended to read:

108.13 (4) (b) A claimant filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether or not he or she owes child support obligations. If any such claimant discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the department of industry, labor and human relations shall, ~~upon request of the department of health and social services,~~ notify the state or local child support enforcement agency enforcing the obligations that the claimant has been determined to be eligible for unemployment compensation.

**SECTION 201.** 108.13 (4) (f) of the statutes is amended to read:

108.13 (4) (f) This subsection applies only if appropriate arrangements are made for the state or local child support enforcement agency to reimburse the department for administrative costs incurred by the department that are attributable to the interception of unemployment compensation for child support obligations.

**SECTION 202.** 119.72 (2) (a) of the statutes is amended to read:

119.72 (2) (a) Children with a parent eligible for day care funds under s. ~~46.98~~ [49.132](#) (4) (a) 1. to 3.

**SECTION 203.** 119.72 (2) (b) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

119.72 (2) (b) Children with a parent in need of child care services funded under s. ~~46.40~~ (2) [49.132](#).

**SECTION 204.** 144.25 (8) (L) of the statutes is amended to read:

144.25 (8) (L) A grant may not be made to an individual if the department receives a certification under s. ~~46.255~~ [49.855](#) (7) that the individual is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 205.** 145.245 (5m) (b) of the statutes is amended to read:

145.245 (5m) (b) The department shall notify a governmental unit if it receives a certification under s. ~~46.255~~ [49.855](#) (7) that an individual is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. The department or a governmental unit shall deny an application under this section if the department receives a certification under s. ~~46.255~~ [49.855](#) (7) that the applicant or an individual who would be directly benefited by the grant is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 206.** 234.04 (2) of the statutes is amended to read:

234.04 (2) The authority may make or participate in the making and enter into commitments for the making of long-term mortgage loans to eligible sponsors of housing projects for occupancy by persons and families of low and moderate income, or for the making of home-ownership mortgage loans or housing rehabilitation loans to persons and families of low and moderate income, an applicant under s. 234.59 or other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon the determination by the authority that they are not otherwise available from private lenders upon reasonably equivalent terms and conditions. The authority may not make a loan to a person if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. The authority may employ, for such compensation as it determines, the services of any financial institution in connection with any loan.

**SECTION 207.** 234.49 (1) (c) of the statutes is amended to read:

234.49 (1) (c) “Eligible beneficiary” means a person for whom the authority has not received a certification from the department of ~~health and social services~~ industry, labor and job development under s. ~~46.255~~ 49.855 (7) or a family who or which falls within the income limits specified in par. (f).

**SECTION 208.** 234.59 (3) (c) of the statutes is amended to read:

234.59 (3) (c) The authority shall notify an eligible lender if it receives a certification under s. ~~46.255~~ 49.855 (7) that a person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. An eligible lender may not make a loan to an applicant if it receives notification under this paragraph concerning the applicant.

**SECTION 209.** 234.65 (3) (f) of the statutes is amended to read:

234.65 (3) (f) The authority has not received a certification under s. ~~46.255~~ 49.855 (7) that the person receiving the loan is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 210.** 234.90 (3) (d) of the statutes is amended to read:

234.90 (3) (d) The authority has not received a certification under s. ~~46.255~~ 49.855 (7) that the farmer is delinquent in making child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 211.** 234.90 (3g) (c) of the statutes is amended to read:

234.90 (3g) (c) The authority has not received a certification under s. ~~46.255~~ 49.855 (7) that the farmer is delinquent in making child support or maintenance pay-

ments or owes past support, medical expenses or birth expenses.

**SECTION 212.** 234.905 (3) (d) of the statutes is amended to read:

234.905 (3) (d) The authority has not received a certification under s. ~~46.255~~ 49.855 (7) that the farmer is delinquent in making child support or maintenance payments or owes past support, medical expenses or birth expenses.

**SECTION 213.** 565.30 (5) of the statutes is amended to read:

565.30 (5) WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS OWED THE STATE. The administrator shall report the name, address and social security number of each winner of a lottery prize equal to or greater than \$1,000 to the department of revenue to determine whether the payee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered payment of child support or has a debt owing to the state. Upon receipt of a report under this subsection, the department of revenue shall first ascertain based on certifications by the department of ~~health and social services~~ industry, labor and job development under s. ~~46.255~~ 49.855 (2) whether any person named in the report is currently delinquent in court-ordered payment of child support and shall next certify to the administrator whether any person named in the report is delinquent in court-ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is delinquent both in payments for state taxes and in court-ordered payments of child support, or is delinquent in one or both of these payments and has a debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee.

**SECTION 214.** 565.30 (5m) of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

565.30 (5m) WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR FAMILY SUPPORT. The administrator shall report to the department of ~~health and social services~~ industry, labor and job development the name, address and social security number of each winner of a lottery prize that is payable in instalments. Upon receipt of the report, the department of ~~health and social services~~ industry, labor and job development shall certify

to the administrator whether any payee named in the report is obligated to provide child support, spousal support, maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25, 767.26, 767.261, 767.465 (2m), 767.51 (3) or 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize under s. 767.265. The administrator shall withhold the certified amount from each payment made to the winner and remit the certified amount to the department of ~~health and social services~~ industry, labor and job development.

**SECTION 215.** 767.001 (1d) of the statutes is created to read:

767.001 (1d) “Department” means the department of industry, labor and job development.

**SECTION 216.** 767.02 (3) of the statutes is repealed.

**SECTION 217.** 767.045 (1) (c) 1. of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m), 49.19 or 49.45 on behalf of the child, or benefits are provided to the child’s custodial parent under ss. 49.141 to 49.161, but the state and its delegate under s. ~~46.25 49.22~~ (7) are barred by a statute of limitations from commencing an action under s. 767.45 on behalf of the child.

**SECTION 218.** 767.045 (1) (c) 2. of the statutes is amended to read:

767.045 (1) (c) 2. An application for legal services has been filed with the child support program under s. ~~46.25 49.22~~ on behalf of the child, but the state and its delegate under s. ~~46.25 49.22~~ (7) are barred by a statute of limitations from commencing an action under s. 767.45 on behalf of the child.

**SECTION 219.** 767.075 (1) (a) of the statutes, as affected by [1995 Wisconsin Act 275](#), is amended to read:

767.075 (1) (a) An action to establish paternity whenever there is a completed application for legal services filed with the child support program under s. ~~46.25 49.22~~ or whenever s. 767.45 (6m) or (6r) applies.

**SECTION 220.** 767.075 (1) (b) of the statutes is amended to read:

767.075 (1) (b) An action to establish or enforce a child support or maintenance obligation whenever there is a completed application for legal services filed with the child support program under s. ~~46.25 49.22~~.

**SECTION 221.** 767.075 (2) (a) of the statutes is amended to read:

767.075 (2) (a) Except as provided in par. (b), in any action affecting the family under a child support enforcement program, an attorney acting under s. ~~46.25 49.22~~ or 59.07 (97), including any district attorney or corporation counsel, represents only the state. Child support services provided by an attorney as specified in sub. (1) do not create an attorney–client relationship with any other party.

**SECTION 222.** 767.075 (2) (b) of the statutes is amended to read:

767.075 (2) (b) Paragraph (a) does not apply to an attorney who is employed by the department of ~~health and social services~~ under s. ~~46.25 49.22~~ or a county under s. 59.07 (97) or 59.458 (1) to act as the guardian ad litem of the minor child for the purpose of establishing paternity.

**SECTION 223.** 767.077 (intro.) of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

**767.077 Support for dependent child.** (intro.) The state or its delegate under s. ~~46.25 49.22~~ (7) shall bring an action for support of a minor child under s. 767.02 (1) (f) or, if appropriate, for paternity determination and child support under s. 767.45 whenever the child’s right to support is assigned to the state under s. 46.261, 48.57 (3m) (b) 2. or 49.19 (4) (h) 1. b. if all of the following apply:

**SECTION 224.** 767.078 (1) (d) 1. c. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

767.078 (1) (d) 1. c. The parent who is absent from the home works, on average, less than 32 hours per week and is not participating in an employment training program that meets criteria established by the department of ~~industry, labor and human relations~~.

**SECTION 225.** 767.078 (1) (d) 3. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

767.078 (1) (d) 3. Subdivisions 1. and 2. only apply while the department of ~~industry, labor and human relations~~ conducts the program under s. 49.25.

**SECTION 226.** 767.08 (3) of the statutes is amended to read:

767.08 (3) If the state or any subdivision thereof furnishes public aid to a spouse or dependent child for support and maintenance and the spouse, person with legal custody or nonlegally responsible relative fails or refuses to institute an appropriate court action under this chapter to provide for the same, the person in charge of county welfare activities, the county child support program designee under s. 59.07 (97) or the ~~state department of health and social services~~ is a real party in interest under s. 767.075 and shall initiate an action under this section, for the purpose of obtaining support and maintenance. Any attorney employed by the state or any subdivision thereof may initiate an action under this section. The title of the action shall be “In re the support or maintenance of A.B. (Child)”.

**SECTION 227.** 767.085 (1) (g) of the statutes is repealed.

**SECTION 228.** 767.085 (2) (b) of the statutes is amended to read:

767.085 (2) (b) The clerk of court shall provide without charge, to each person filing a petition requesting child support, a document setting forth the percentage standard established by the department of ~~health and social services~~ under s. ~~46.25 49.22~~ (9) and listing the factors which a court may consider under s. 767.25 (1m).

**SECTION 229.** 767.085 (2m) (a) 2. of the statutes is amended to read:

767.085 (2m) (a) 2. Shall be accompanied by a document, provided without charge by the clerk of court, setting forth the percentage standard established by the department of ~~health and social services~~ under s. 46.25 ~~49.22~~ (9) and listing the factors which a court may consider under s. 767.25 (1m).

**SECTION 230.** 767.085 (5) of the statutes is repealed.

**SECTION 231.** 767.13 (7) of the statutes is amended to read:

767.13 (7) COOPERATION. Each family court commissioner shall cooperate with the county and the department of ~~health and social services~~ to ensure that all dependent children receive reasonable and necessary child support.

**SECTION 232.** 767.15 (2) of the statutes is amended to read:

767.15 (2) In any appeal of any action affecting the family in which support or maintenance of a child of any party is at issue, the person who initiates the appeal shall notify the department of ~~health and social services~~ of the appeal by sending a copy of the notice of appeal to the department.

**SECTION 233.** 767.23 (1n) of the statutes is amended to read:

767.23 (1n) Before making any temporary order under sub. (1), the court or family court commissioner shall consider those factors which the court is required by this chapter to consider before entering a final judgment on the same subject matter. If the court or family court commissioner makes a temporary child support order that deviates from the amount of support that would be required by using the percentage standard established by the department of ~~health and social services~~ under s. 46.25 ~~49.22~~ (9), the court or family court commissioner shall comply with the requirements of s. 767.25 (1n). A temporary order under sub. (1) may be based upon the written stipulation of the parties, subject to the approval of the court or the family court commissioner. Temporary orders made by the family court commissioner may be reviewed by the court as provided in s. 767.13 (6).

**SECTION 234.** 767.25 (1g) of the statutes is amended to read:

767.25 (1g) In determining child support payments, the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported to the department of ~~health and social services~~, or the county child and spousal support agency, under s. 46.25 ~~49.22~~ (2m).

**SECTION 235.** 767.25 (1j) of the statutes is amended to read:

767.25 (1j) Except as provided in sub. (1m), the court shall determine child support payments by using the percentage standard established by the department of ~~health and social services~~ under s. 46.25 ~~49.22~~ (9).

**SECTION 236.** 767.25 (4m) (d) 2. of the statutes is amended to read:

767.25 (4m) (d) 2. Provide family coverage of health care expenses for the child, if eligible for coverage, upon application by the parent, the child's other parent, the department of ~~health and social services~~ or the county designee under s. 59.07 (97).

**SECTION 237.** 767.25 (4m) (e) 1. of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

767.25 (4m) (e) 1. If a parent who has been ordered by a court to provide coverage of the health care expenses of a child who is eligible for medical assistance under subch. IV of ch. 49 receives payment from a 3rd party for the cost of services provided to the child but does not pay the health care provider for the services or reimburse the department of ~~health and social services~~ or any other person who paid for the services on behalf of the child, the department of ~~health and social services~~ may obtain a judgment against the parent for the amount of the 3rd party payment.

**SECTION 238.** 767.262 (1) (b) of the statutes is amended to read:

767.262 (1) (b) If one party receives services under s. 46.25 ~~49.22~~ or services provided by the state or county as a result of an assignment of income under s. 49.19, order the other party to pay any fee chargeable under s. 46.25 ~~49.22~~ (6) or the cost of services rendered by the state or county under s. 49.19.

**SECTION 239.** 767.262 (3) of the statutes is amended to read:

767.262 (3) The court may order that the amount be paid directly to the attorney or to the state or the county providing services under s. 46.25 ~~49.22~~ or 49.19, who may enforce the order in its name.

**SECTION 240.** 767.265 (6) (c) of the statutes, as affected by 1993 Wisconsin Act 481, is amended to read:

767.265 (6) (c) No employer may use an assignment under this section or s. 767.23 (1) (L), 767.25 (4m) (c) or 767.51 (3m) (c) as a basis for the denial of employment to a person, the discharge of an employee or any disciplinary action against an employee. An employer who denies employment or discharges or disciplines an employee in violation of this paragraph may be fined not more than \$500 and may be required to make full restitution to the aggrieved person, including reinstatement and back pay. Except as provided in this paragraph, restitution shall be in accordance with s. 973.20. An aggrieved person may apply to the district attorney or to the department of ~~industry, labor and human relations~~ for enforcement of this paragraph.

**SECTION 241.** 767.27 (3) (b) of the statutes is amended to read:

767.27 (3) (b) The clerk of circuit court shall provide information from court records to the department of ~~health and social services~~ under s. 59.395 (7).

**SECTION 242.** 767.27 (4) of the statutes is amended to read:

767.27 (4) Failure by either party timely to file a complete disclosure statement as required by this section shall authorize the court to accept as accurate any information provided in the statement of the other party or obtained under s. 46.25 ~~49.22~~ (2m) by the department of ~~health and social services~~ or the county child and spousal support agency.

**SECTION 243.** 767.29 (1) of the statutes, as affected by [1995 Wisconsin Act 279](#), is amended to read:

767.29 (1) All orders or judgments providing for temporary or permanent maintenance, child support or family support payments shall direct the payment of all such sums to the clerk of the court, or support collection designee in a county that has designated a support collection designee under s. 59.07 (97m), for the use of the person for whom the same has been awarded. A party securing an order for temporary maintenance, child support or family support payments shall forthwith file the order, together with all pleadings in the action, with the clerk of the court or support collection designee. Except as provided in sub. (1m), the clerk or support collection designee shall disburse the money so received under the judgment or order within 15 days and take receipts therefor, unless the clerk or support collection designee is unable to disburse the moneys because they were paid by check or other draft drawn upon an account containing insufficient funds. All moneys received or disbursed under this section shall be entered in a record kept by the clerk or support collection designee, whichever is appropriate, which shall be open to inspection by the department of ~~health and social services~~ for the administration of the child and spousal support and establishment of paternity program under s. 46.25 ~~49.22~~, the parties to the action and their attorneys, and the family court commissioner. If the maintenance, child support or family support payments adjudged or ordered to be paid shall not be paid to the clerk or support collection designee at the time provided in the judgment or order, the clerk or support collection designee or the family court commissioner of the county shall take such proceedings as he or she considers advisable to secure the payment of the sum including enforcement by contempt proceedings under ch. 785 or by other means. Copies of any order issued to compel the payment shall be mailed to counsel who represented each party when the maintenance, child support or family support payments were awarded. In case any fees of officers in any of the proceedings, including the compensation of the family court commissioner at the rate of \$50 per day unless the commissioner is on a salaried basis, is not collected from the person proceeded against, the fees shall be paid out of the county treasury upon the order of the presiding judge and the certificate of ~~the~~ clerk of the court or support collection designee.

**SECTION 244.** 767.29 (2) of the statutes, as affected by [1995 Wisconsin Acts 279](#) and [289](#), is amended to read:

767.29 (2) If any party entitled to maintenance payments or support money, or both, is receiving public assistance under ch. 49, the party may assign the party's right thereto to the county department under s. 46.215, 46.22 or 46.23 granting such assistance. Such assignment shall be approved by order of the court granting the maintenance payments or support money, and may be terminated in like manner; except that it shall not be terminated in cases where there is any delinquency in the amount of maintenance payments and support money previously ordered or adjudged to be paid to the assignee without the written consent of the assignee or upon notice to the assignee and hearing. When an assignment of maintenance payments or support money, or both, has been approved by the order, the assignee shall be deemed a real party in interest within s. 803.01 but solely for the purpose of securing payment of unpaid maintenance payments or support money adjudged or ordered to be paid, by participating in proceedings to secure the payment thereof. Notwithstanding assignment under this subsection, and without further order of the court, the clerk of court or support collection designee, upon receiving notice that a party or a minor child of the parties is receiving aid under s. 49.19, shall forward all support assigned under s. 48.57 (3m) (b) 2., 49.19 (4) (h) 1. or 49.45 (19) to the department of ~~industry, labor and human relations~~.

**SECTION 245.** 767.295 (2) (a) 2. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

767.295 (2) (a) 2. The parent works, on average, less than 32 hours per week, and is not participating in an employment or training program which meets guidelines established by the department of ~~industry, labor and human relations~~.

**SECTION 246.** 767.295 (2) (c) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

767.295 (2) (c) If the court enters an order under par. (a), it shall order the parent to pay child support equal to the amount determined by applying the percentage standard established under s. 46.25 ~~49.22~~ (9) to the income a person would earn by working 40 hours per week for the federal minimum hourly wage under [29 USC 206](#) (a) (1) or equal to the amount of child support that the parent was ordered to pay in the most recent determination of support under this chapter. The child support obligation ordered under this paragraph continues until the parent makes timely payment in full for 3 consecutive months or until the person participates in the program under s. 49.36 for 16 weeks, whichever comes first. The court shall provide in its order that the parent must make child support payments calculated under s. 767.25 (1j) or (1m) or 767.51 (4m) or (5) after the obligation to make payments ordered under this paragraph ceases.

**SECTION 247.** 767.32 (1) (a) of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

767.32 (1) (a) After a judgment or order providing for child support under this chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2), 938.355 (2) (b) 4., 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or family support payments under this chapter, or for the appointment of trustees under s. 767.31, the court may, from time to time, on the petition, motion or order to show cause of either of the parties, or upon the petition, motion or order to show cause of the department of ~~health and social services~~, a county department under s. 46.215, 46.22 or 46.23 or a child support program designee under s. 59.07 (97) if an assignment has been made under s. 46.261, 48.57 (3m) (b) 2., 49.153 (3), 49.19 (4) (h) or 49.45 (19) or if either party or their minor children receive aid under s. 48.57 (3m) or ch. 49, and upon notice to the family court commissioner, revise and alter such judgment or order respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment or order respecting any of the matters that such court might have made in the original action, except that a judgment or order that waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment or order with respect to final division of property be subject to revision or modification. A revision, under this section, of a judgment or order with respect to an amount of child or family support may be made only upon a finding of a substantial change in circumstances. In any action under this section to revise a judgment or order with respect to maintenance payments, a substantial change in the cost of living by either party or as measured by the federal bureau of labor statistics may be sufficient to justify a revision of judgment or order with respect to the amount of maintenance, except that a change in an obligor's cost of living is not in itself sufficient if payments are expressed as a percentage of income.

**SECTION 248.** 767.32 (1) (b) 4. of the statutes is amended to read:

767.32 (1) (b) 4. A difference between the amount of child support ordered by the court to be paid by the payer and the amount that the payer would have been required to pay based on the percentage standard established by the department of ~~health and social services~~ under s. 46.25 49.22 (9) if the court did not use the percentage standard in determining the child support payments and did not provide the information required under s. 46.10 (14) (d), 767.25 (1n) or 767.51 (5d), whichever is appropriate.

**SECTION 249.** 767.32 (1) (c) 1. of the statutes is amended to read:

767.32 (1) (c) 1. Unless the amount of child support is expressed in the judgment or order as a percentage of parental income, a change in the payer's income, evi-

denced by information received by the department of ~~health and social services~~, or the county child and spousal support agency, under s. 46.25 49.22 (2m) or by other information, from the payer's income determined by the court in its most recent judgment or order for child support, including a revision of a child support order under this section.

**SECTION 250.** 767.32 (2) of the statutes is amended to read:

767.32 (2) Except as provided in sub. (2m) or (2r), if the court revises a judgment or order with respect to child support payments, it shall do so by using the percentage standard established by the department of ~~health and social services~~ under s. 46.25 49.22 (9).

**SECTION 251.** 767.32 (4) of the statutes is amended to read:

767.32 (4) In any case in which the state is a real party in interest under s. 767.075, the department of ~~health and social services~~ shall review the support obligation periodically and whenever circumstances so warrant, petition the court for revision of the judgment or order with respect to the support obligation.

**SECTION 252.** 767.33 (1) of the statutes is amended to read:

767.33 (1) An order for child support under s. 767.23 or 767.25 may provide for an adjustment in the amount to be paid based on a change in the obligor's income, as reported on the disclosure form under s. 767.27 (2m) or as disclosed to the department of ~~health and social services~~ or county child and spousal support agency under s. 46.25 49.22 (2m). The order may specify the date on which the annual adjustment becomes effective. No adjustment may be made unless the order so provides and the party receiving payments applies for an adjustment as provided in sub. (2). An adjustment under this section may be made only once in any year.

**SECTION 253.** 767.45 (6m) of the statutes is amended to read:

767.45 (6m) The attorney designated under sub. (6) (a) shall commence an action under this section on behalf of the state within 6 months after receiving notification under s. 69.03 (15) that no father is named on the birth certificate of a child who is a resident of the county if paternity has not been adjudicated, except in situations under s. 69.14 (1) (g) and (h) and as provided by the department of ~~health and social services~~ by rule.

**SECTION 254.** 767.45 (7) of the statutes is amended to read:

767.45 (7) The clerk of court shall provide without charge, to each person bringing an action under this section, except to the state under sub. (1) (g) or (6m), a document setting forth the percentage standard established by the department of ~~health and social services~~ under s. 46.25 49.22 (9) and listing the factors which a court may consider under s. 767.51 (5).

**SECTION 255.** 767.455 (6) of the statutes is amended to read:

767.455 (6) DOCUMENT. The summons served on the respondent shall be accompanied by a document, provided without charge by the clerk of court, setting forth the percentage standard established by the department of health and social services under s. 46.25 49.22 (9) and listing the factors which a court may consider under s. 767.51 (5).

**SECTION 256.** 767.47 (6) (a) of the statutes, as affected by [1995 Wisconsin Act 289](#), is amended to read:

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

**SECTION 257.** 767.51 (3m) (d) 2. of the statutes is amended to read:

767.51 (3m) (d) 2. Provide family coverage of health care expenses for the child, if eligible for coverage, upon application by the parent, the child's other parent, the department of health and social services or the county designee under s. 59.07 (97).

**SECTION 258.** 767.51 (3m) (e) 1. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

767.51 (3m) (e) 1. If a parent who has been ordered by a court to provide coverage of the health care expenses of a child who is eligible for medical assistance under subch. IV of ch. 49 receives payment from a 3rd party for the cost of services provided to the child but does not pay the health care provider for the services or reimburse the department of health and social services or any other person who paid for the services on behalf of the child, the department of health and social services may obtain a judgment against the parent for the amount of the 3rd party payment.

**SECTION 259.** 767.51 (4g) of the statutes is amended to read:

767.51 (4g) In determining child support payments, the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported to the department of health and social services, or the county child and spousal support agency, under s. 46.25 49.22 (2m).

**SECTION 260.** 767.51 (4m) of the statutes is amended to read:

767.51 (4m) Except as provided in sub. (5), the court shall determine child support payments by using the percentage standard established by the department of health and social services under s. 46.25 49.22 (9).

**SECTION 261.** 767.52 (3) of the statutes is amended to read:

767.52 (3) This section does not prevent an attorney responsible for support enforcement under s. 59.458 (1) or any other attorney employed under s. 46.25 49.22 or 59.07 (97) from appearing in any paternity action as provided under s. 767.45 (6).

**SECTION 262.** 767.53 (2) of the statutes is amended to read:

767.53 (2) The clerk of circuit court shall provide information from court records to the department of health and social services under s. 59.395 (7).

**SECTION 263.** 769.31 (1) of the statutes is amended to read:

769.31 (1) The department of health and social services industry, labor and job development is the state information agency under this chapter.

**SECTION 264.** 949.08 (2) (g) of the statutes is amended to read:

949.08 (2) (g) Has been certified to the department under s. 46.255 49.855 (7) as being delinquent in child support or maintenance payments or as owing past support, medical expenses or birth expenses.

**SECTION 265.** 978.06 (6) of the statutes is amended to read:

978.06 (6) No district attorney, deputy district attorney or assistant district attorney may appear in a civil action or proceeding under s. 46.25 49.22 (7), 59.07 (97), 767.075, 767.08 or 767.45 or ch. 769.

**SECTION 266. Nonstatutory provisions; health and family services.**

(1) TRANSFER OF CHILD SUPPORT AND PATERNITY PROGRAMS.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the department of health and family services that are primarily related to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this act, as determined by the secretary of administration, shall become the assets and liabilities of the department of industry, labor and job development.

(b) *Position and employe transfers.*

1. On the effective date of this subdivision, 5.73 FTE GPR positions in the department of health and family services funded from the appropriation under section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, and the incumbent employes holding those positions are transferred to the department of industry, labor and job development to be funded from the appropriation under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995.

2. On the effective date of this subdivision, 13.26 FTE GPR positions in the department of health and family services funded from the appropriation under section 20.435 (3) (cc) of the statutes, as affected by the acts of 1995, and the incumbent employes holding those positions are transferred to the department of industry, labor and job development to be funded from the appropriation under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995.

3. On the effective date of this subdivision, 0.5 FTE GPR position in the department of health and family services funded from the appropriation under section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, and the incumbent employe holding that position is transferred to the department of health and family services to be funded from the appropriation under section 20.435 (1) (a) of the statutes, as affected by the acts of 1995.

4. On the effective date of this subdivision, 0.5 FTE PR position in the department of health and family services funded from the appropriation under section 20.435 (3) (kx) of the statutes, as affected by the acts of 1995, and the incumbent employe holding that position is transferred to the department of health and family services, and the position becomes 0.5 FTE FED position to be funded from the appropriation under section 20.435 (1) (n) of the statutes, as affected by the acts of 1995.

5. On the effective date of this subdivision, 2.89 FTE PR positions in the department of health and family services funded from the appropriation under section 20.435 (3) (ja) of the statutes, as affected by the acts of 1995, and the incumbent employes holding those positions are transferred to the department of industry, labor and job development to be funded from the appropriation under section 20.445 (3) (ja) of the statutes, as affected by the acts of 1995.

6. On the effective date of this subdivision, 42.12 FTE FED positions in the department of health and family services funded from the appropriation under section 20.435 (3) (n) of the statutes, as affected by the acts of 1995, and the incumbent employes holding those positions are transferred to the department of industry, labor and job development to be funded from the appropriation under section 20.445 (3) (n) of the statutes, as affected by the acts of 1995.

7. On the effective date of this subdivision, 0.34 FTE GPR position in the department of health and family services funded from the appropriation under section 20.435 (8) (a) of the statutes, as affected by the acts of 1995, and the incumbent employe holding that position is transferred to the department of industry, labor and job development, and the position becomes 0.34 FTE PR position to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995.

8. On the effective date of this subdivision, 21.5 FTE PR positions in the department of health and family services funded from the appropriation under section 20.435

(8) (k) of the statutes, as affected by the acts of 1995, and the incumbent employes holding those positions are transferred to the department of industry, labor and job development to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995.

9. On the effective date of this subdivision, 0.66 FTE FED position in the department of health and family services funded from the appropriation under section 20.435 (8) (n) of the statutes, as affected by the acts of 1995, and the incumbent employe holding that position is transferred to the department of industry, labor and job development, and the position becomes 0.66 FTE PR position to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995.

10. On the effective date of this subdivision, 1.0 FTE FED position in the department of health and family services funded from the appropriation under section 20.435 (8) (pz) of the statutes, as affected by the acts of 1995, and the incumbent employe holding that position is transferred to the department of industry, labor and job development, and the position becomes 1.0 FTE PR position to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of industry, labor and job development that they enjoyed in the department of health and family services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and family services that is primarily related to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this act, as determined by the secretary of administration, is transferred to the department of industry, labor and job development.

(e) *Contracts.* All contracts entered into by the department of health and social services in effect on the effective date of this paragraph, that are primarily related to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this act, as determined by the secretary of administration, remain in effect and are transferred to the department of industry, labor and job development. The department of industry, labor and job development shall carry out any such contractual obligations until modified or rescinded by the department of industry, labor and job development to the extent allowed under the contracts.

(f) *Rules and orders.*

1. All rules promulgated by the department of health and social services that are in effect on the effective date

of this subdivision, and that are primarily related to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this act, remain in effect until their specified expiration date or until amended or repealed by the department of industry, labor and job development. All orders issued by the department of health and social services that are in effect on the effective date of this subdivision, and that are primarily related to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this act, remain in effect until their specified expiration date or until modified or rescinded by the department of industry, labor and job development.

2. The secretary of health and family services and the secretary of industry, labor and job development shall meet and specify the apportionment of rules and standards, between the 2 departments, with respect to the supervision of employees of county departments under sections 46.215, 46.22 and 46.23 of the statutes with respect to the administration of the programs under sections 49.22, 49.23 and 49.855 of the statutes, as affected by this act, in order to effect the intent of this act.

(g) *Pending matters.* Any matter pending with the department of health and family services on the effective date of this paragraph, that is primarily related to any of the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this act, is transferred to the department of industry, labor and job development and all materials submitted to or actions taken by the department of health and social services with respect to the pending matter are considered as having been submitted to or taken by the department of industry, labor and job development.

(2) CHILD CARE SUBUNIT TRANSFER.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of health and family services primarily related to the subunit of the department of health and family services that administers child care programs, as determined by the secretary of administration, shall become the assets and liabilities of the department of industry, labor and job development, except that those assets and liabilities of the department of health and family services primarily related to child care licensing shall remain the assets and liabilities of the department of health and family services.

(b) *Employe transfers.* On the effective date of this paragraph, 1.5 FTE GPR and 3.5 FTE PR positions having duties primarily related to the administration of child care programs, as determined by the secretary of administration, and the incumbent employees holding those positions are transferred from the department of health and family services to the department of industry, labor and job development.

(c) *Employe status.* Employees transferred under paragraph (b) to the department of industry, labor and job development have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the stat-

utes, in the department of industry, labor and job development that they enjoyed in the subunit of the department of health and family services that administers child care programs before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and family services that is primarily related to the functions of the subunit of the department of health and family services that administers child care programs, as determined by the secretary of administration, is transferred to the department of industry, labor and job development, except that the tangible personal property, including records, of the department of health and family services primarily related to child care licensing remain in the department of health and family services.

(e) *Contracts.* All contracts entered into by the department of health and family services primarily related to the subunit of the department of health and family services that administers child care programs in effect on the effective date of this paragraph remain in effect and are transferred to the department of industry, labor and job development, except that those contracts primarily related to child care licensing remain in the department of health and family services. The secretary of industry, labor and job development shall carry out any such contractual obligations, except that the secretary of health and family services shall carry out any contractual obligations primarily related to child care licensing.

(f) *Contracts of the subunit of the department of health and family services that administers child care programs.* All contracts entered into by the subunit of the department of health and family services that administers child care programs in effect on the effective date of this paragraph remain in effect and are transferred to the department of industry, labor and job development, except those contracts primarily related to child care licensing shall remain in the department of health and family services. The department of industry, labor and job development shall carry out any such contractual obligations, except that the secretary of health and family services shall carry out any contractual obligations primarily related to child care licensing.

(g) *Rules and orders.* All rules promulgated by the department of health and family services primarily related to the subunit of the department of health and family services that administers child care programs that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of industry, labor and job development, except that those rules promulgated by the department of health and family services primarily related to child care licensing remain in effect until their

expiration date or until amended or repealed by the department of health and family services. All orders issued by the department of health and family services primarily related to the subunit of the department of health and family services that administers child care programs that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of industry, labor and child care programs, except that those orders issued by the department of health and job development primarily related to child care licensing remain in effect until their expiration date or until modified or rescinded by the department of health and family services.

(h) *Pending matters.* Any matter pending with the department of health and family services on the effective date of this paragraph primarily related to the subunit of the department of health and family services that administers child care programs, except any matter primarily related to child care licensing, is transferred to the department of industry, labor and job development, and all materials submitted to or actions taken by the department of health and family services before the effective date of this paragraph with respect to pending matters, except pending matters primarily related to child care licensing, are considered as having been submitted to or taken by the department of industry, labor and job development.

**SECTION 267. Appropriation changes; health and family services.**

(1) TRANSFER OF CHILD SUPPORT AND PATERNITY PROGRAMS.

(a) There is transferred from the appropriation to the department of health and family services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, to the appropriation to the department of health and family services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1995, \$25,300 in fiscal year 1996–97.

(b) There is transferred from the appropriation to the department of health and family services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$1,271,700 in fiscal year 1996–97.

(c) On the effective date of this paragraph, the unencumbered balance of the appropriation to the department of health and family services under section 20.435 (3) (cc) of the statutes, as affected by the acts of 1995, is transferred to the appropriation to the department of industry, labor and job development under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995.

(d) There is transferred from the appropriation to the department of health and family services under section 20.435 (3) (kx) of the statutes, as affected by the acts of 1995, to the appropriation to the department of health and

family services under section 20.435 (1) (n) of the statutes, as affected by the acts of 1995, \$25,200 in fiscal year 1996–97.

(e) There is transferred from the appropriation to the department of health and family services under section 20.435 (3) (n) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (n) of the statutes, as affected by the acts of 1995, \$6,131,600 in fiscal year 1996–97.

(f) There is transferred from the appropriation to the department of health and family services under section 20.435 (3) (nL) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (nL) of the statutes, as affected by the acts of 1995, \$39,796,300 in fiscal year 1996–97.

(g) There is transferred from the appropriation to the department of health and family services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$37,900 in fiscal year 1996–97.

(h) There is transferred from the appropriation to the department of health and family services under section 20.435 (8) (k) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995, \$1,218,800 in fiscal year 1996–97.

(i) There is transferred from the appropriation to the department of health and family services under section 20.435 (8) (n) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (n) of the statutes, as affected by the acts of 1995, \$73,700 in fiscal year 1996–97.

(j) There is transferred from the appropriation to the department of health and family services under section 20.435 (8) (pz) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995, \$51,400 in fiscal year 1996–97.

(k) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$25,300 for fiscal year 1996–97 to increase funding for the purposes for which the appropriation is made.

(l) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, the dollar amount

is decreased by \$1,297,000 for fiscal year 1996–97 to decrease funding for the purposes for which the appropriation is made.

(m) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$37,900 for fiscal year 1996–97 to decrease funding for the purposes for which the appropriation is made.

(n) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (8) (k) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$1,218,800 for fiscal year 1996–97 to decrease funding for the purposes for which the appropriation is made.

(2) COMMUNITY AIDS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (7) (b) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$5,163,300 for fiscal year 1996–97 to reflect the deletion of low-income and at-risk child care from community aids funding.

(3) TRANSFER OF CHILD CARE TO DEPARTMENT OF INDUSTRY, LABOR AND JOB DEVELOPMENT.

(a) There is transferred from the appropriation to the department of health and family services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$69,900 in fiscal year 1996–97.

(b) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$69,900 for fiscal year 1996–97 to decrease funding for the administration of child care programs.

(c) There is transferred from the appropriation to the department of health and family services under section 20.435 (6) (a) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$27,400 in fiscal year 1996–97.

(d) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (6) (a) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$27,400 for fiscal year 1996–97 to decrease funding for the administration of child care programs.

(e) There is transferred from the appropriation to the department of health and family services under section

20.435 (6) (kx) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (n) of the statutes, as affected by the acts of 1995, \$27,500 in fiscal year 1996–97.

(f) There is transferred from the appropriation to the department of health and family services under section 20.435 (6) (mc) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (mc) of the statutes, as affected by the acts of 1995, \$1,224,500 in fiscal year 1996–97.

(g) There is transferred from the appropriation to the department of health and family services under section 20.435 (7) (b) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (cp) of the statutes, as affected by the acts of 1995, \$5,163,300 in fiscal year 1996–97.

(h) There is transferred from the appropriation to the department of health and family services under section 20.435 (7) (md) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (md) of the statutes, as affected by the acts of 1995, \$3,213,100 in fiscal year 1996–97.

(i) There is transferred from the appropriation to the department of health and family services under section 20.435 (7) (o) of the statutes, as affected by the acts of 1995, to the appropriation to the department of industry, labor and job development under section 20.445 (3) (md) of the statutes, as affected by the acts of 1995, \$15,928,700 in fiscal year 1996–97.

**SECTION 268. Appropriation changes; industry, labor and job development.**

(1) TRANSFER OF CHILD SUPPORT AND PATERNITY PROGRAMS.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of industry, labor and job development under section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$1,381,800 for fiscal year 1996–97 to increase funding for the purposes for which the appropriation is made.

(b) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of industry, labor and job development under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$1,836,500 for fiscal year 1996–97 to increase funding for the purposes for which the appropriation is made.

(2) CHILD CARE ADMINISTRATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of industry, labor and job development under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, the dollar amount increased by \$97,300

for fiscal year 1996–97 to increase funding for the administration of child care programs.

**SECTION 269. Effective dates.** This act takes effect on July 1, 1996, or on the day after publication, whichever is later, except as follows:

(1) The amendment of section 49.22 (7) of the statutes takes effect on September 1, 1996.

(2) The amendment of section 20.435 (1) (n) of the statutes and the repeal and recreation of sections 20.445 (3) (n) and (nL) and 46.495 (1) (d), (dc) and (f) of the statutes take effect on July 1, 1997.

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