

1999 DRAFTING REQUEST

Bill

Received: 10/21/1999

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC 6-3137

By/Representing: Joyce Kiel

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Children - out-of-home placement

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Kinship care; eligibility of second cousins

Instructions:

Draftt WLCS 0204/2 as LRB draft

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
/1	malaigm 10/22/1999	wjackson 10/26/1999	kfollet 10/26/1999	_____	lrb-docadmin 10/26/1999	lrb-docadmin 11/04/1999	

FE Sent For:

<END>

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/?	malaigm	/1 wlj 10/26	LC conversion Kjfb 10/21	_____			
			Kjfb 10/26	Kjfb/hmh 10/26			
FE Sent For:				<END>			

1 **AN ACT** to amend 48.57 (3m) (a) and 48.57 (3n) (a) of the statutes; **relating to:**
 2 inclusion of second cousins in the definition of “relative” under the kinship care and
 3 long-term kinship care programs.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the American Indian study committee (AISC).

Under current law, the kinship care program and the long-term kinship care program provide that a county department of social services, county department of human services or, in Milwaukee county, the department of health and family services, must make payments to relatives of certain children, other than the children’s parents, who provide care and maintenance for the children if certain conditions are met. For a description of the kinship care program and the long-term kinship care program, see memo no. 98-14 to the AISC, Definition of **“Relative” Under the Kinship Care Program and Long-Term Kinship Care Program; and Funding for Assessments Under the Kinship Care Program** (September 17, 1999).

Currently, for purposes of the kinship care and long-term kinship care programs, a relative means a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the prefix of grand, great or great-great, whether by consanguinity, direct affinity or legal adoption, or the spouse of any of these persons, even if the marriage is terminated by death or divorce.

This draft adds second cousins to the list of persons who are defined as a kinship care relative or long-term kinship care relative and, thus, permits them to receive payments for providing care and maintenance under the programs.

4 **SECTION 1.** 48.57 (3m) (a) of the statutes is amended to read:
 5 48.57 **(3m)** (a) In this subsection, “kinship care relative” means a stepparent, brother,
 6 sister, stepbrother, stepsister, first cousin, second cousin, nephew, niece, aunt, uncle or any

1 person of a preceding generation as denoted by the prefix of grand, great or great-great,
2 whether by consanguinity, direct affinity or legal adoption, or the spouse of any person named
3 in this paragraph, even if the marriage is terminated by death or divorce.

4 **SECTION 2.** 48.57 (3n) (a) of the statutes is amended to read:

5 48.57 (3n) (a) In this subsection, “long-term kinship care relative” means a stepparent,
6 brother, sister, stepbrother, stepsister, first cousin, second cousin, nephew, niece, aunt, uncle
7 or any person of a preceding generation as denoted by the prefix of grand, great or great-great,
8 whether by consanguinity, direct affinity or legal adoption, or the spouse of any person named
9 in this paragraph, even if the marriage is terminated by death or divorce.

10

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3795/PA

GMM:...:kjf

WLj

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RMR

Tues

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

4 This bill is explained in the ^(CS) PREFATORY NOTE provided by the joint legislative council in the bill
PE-SL

- 1 AN ACT ... relating to: ^{GenCat} inclusion of second cousins ^{eligibility} @ the definition of "relative" ^{for payments under the}
- 2 under the kinship care and long-term kinship care ^{programs} ^{pa} ^{stat}

Analysis by the Legislative Reference Bureau

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

^{bill} PREFATORY NOTE: This draft was prepared for the American Indian study committee (AISC). ^{if certain conditions are met,}

^{certain} Under current law, ~~the kinship care program and the long-term kinship care program provide that~~ a county department of social services, county department of human services or, in Milwaukee county, the department of health and family services, must make payments to relatives of ^{a child's} certain children, other than the children's parents, who provide care and maintenance for ^{the children if certain conditions are met,} the children. For a description of the kinship care program and the long-term kinship care program, see memo no. 98-14 to the AISC, **Definition of "Relative" Under the Kinship Care Program and Long-Term Kinship Care Program; and Funding for Assessments Under the Kinship Care Program** (September 17, 1999). ^{eligibility for payments under}

Currently, for purposes of the kinship care and long-term kinship care programs, ~~a relative means~~ a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the prefix of grand, great or great-great, whether by consanguinity, direct affinity or legal adoption, or the spouse of any of these persons, even if the marriage is terminated by death or divorce.

"kinship care relative" and "long-term kinship care relative" are defined to mean

the child (kinship care program and long-term kinship care program)

Kinship care and long-term kinship care
- 2 -
LRB 3795/P1
GMM:...:kif

(bill) a

the for a child

Second a 2nd/3rd cousin of a child

This draft adds second cousins to the list of persons who are defined as a kinship care relative or long-term kinship care relative and, thus, permits them to receive payments for providing care and maintenance under the programs.

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

2 48.57 (3m) (a) In this subsection, "kinship care relative" means a stepparent,
3 brother, sister, stepbrother, stepsister, first cousin, ^{2nd} ~~second~~/cousin, nephew, niece,
4 aunt, uncle or any person of a preceding generation as denoted by the prefix of grand,
5 great or great-great, whether by consanguinity, direct affinity or legal adoption, or
6 the spouse of any person named in this paragraph, even if the marriage is terminated
7 by death or divorce.

8 SECTION 2. 48.57 (3n) (a) of the statutes is amended to read:

9 48.57 (3n) (a) In this subsection, "long-term kinship care relative" means a
10 stepparent, brother, sister, stepbrother, stepsister, first cousin, ^{2nd} ~~second~~/cousin,
11 nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the
12 prefix of grand, great or great-great, whether by consanguinity, direct affinity or
13 legal adoption, or the spouse of any person named in this paragraph, even if the
14 marriage is terminated by death or divorce.

15 (END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 1012611999

To: Legislative Council - JLC

Relating to LRB drafting number: LRB-3795

Topic

Kinship care; eligibility of second cousins

Subject(s)

Children - out-of-home placement

1. **JACKET** the draft for introduction Joyce L. Mel. 11/4/99
Legislative Council Staff
in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney
Telephone: (608) 266-9738

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