

**1999 DRAFTING REQUEST**

**Bill**

Received: **03/17/2000**

Received By: **kenneda**

Wanted: As **time permits**

Identical to LRB:

For: **Legislative Council - LRC 266-9791**

By/Representing: **Laura Rose**

This file may be shown to any legislator: NO

Drafter: **kenneda**

May Contact:

Alt. Drafters: **malaigm  
kahlepj**

Subject: **Children - out-of-home placement  
 Children - juvenile ct procedure  
 Health - facility licensure  
 Mental Health - AODA  
 Public Assistance - med. assist.  
 Insurance - miscellaneous**

Extra Copies: **ISR**

**Pre Topic:**

No specific pre topic given

**Topic:**

Remedial legislation proposals in health and human services

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 03/20/2000	csicilia 03/20/2000	martykr 03/20/2000	_____	lrb_docadmin 03/20/2000	lrb_docadminS&L 03/20/2000	

FE Sent For:

<END>

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FE Sent For:

<END>

Deb Kennedy: This is the material to be added to the Pref note for the DHS drafts as combined **PREFATORY NOTE**

This bill makes a number of minor substantive and remedial changes in statutes within the purview of the department of health and family services (DHFS). It includes:

- 1. Changing the basis for calculating limits on the amounts of revenues that may be retained by nonprofit providers of **rate-based** services under contract with the **DHFS** and county agencies. -0952
- 2. Changing references to the term "informal conference" to "case conference" for appeals of alleged violations by nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes. -0953
- 3. Eliminating references to Class **B community-based** residential facilities in provisions that **require the** manager or his or her agent to be present in the facility and **requires** that DHFS define "Class A" and "Class C" community-based residential facilities by rule. -0956
- ④ GMA 4. Changing kinship care laws to require the kinship care relative or long-term kinship care relative to cooperate with the county agency or **DHFS**, including applying for other forms of assistance for which a child in kinship care may be eligible. -0957
- ② LMA 5. Permitting a public licensing agency to license a foster home located in another county upon the request of another licensing **agency of the** county in which the prospective foster **home** is located. -0969
- PJK 6. Changing the eligibility level of family income for the medical leave premium subsidy program from 200% to 300% of the federal poverty line and permitting the DHFS by rule, to establish a schedule of **the** amount of the premium subsidy if the individual's **family** income exceeds 200% of the federal poverty line. -1054
- LMA 7. Providing that where a juvenile court has ordered the parent of a child or **juvenile** to provide a statement of income, assets, debts and living expenses to the court or orders a parent to provide such a statement to an agency that will provide a dispositional report to a juvenile court or that is responsible for implementing the dispositional order, **the** court must order the parent to provide such a statement to a county department of social services or the DHFS. The DHFS or agency must use **the** information in the statement to determine whether the DHFS or the department of corrections may claim reimbursement under certain programs for the costs of providing care to the child. -2205
- ①

- 8. Repealing a provision relating to the distribution of alcohol and drug abuse treatment program funds in fiscal year 1993-94. - 2209
  
- 9. Eliminating references to funding for social services and mental hygiene services for American Indian tribes that were applicable only for fiscal years 1991-92 and 1993-94, eliminating procedural requirements relating to the funding and eliminating cross-references between provisions relating to that program and appropriation provisions relating to federal grants. - 2210
  
- 10. Providing for increased Medical Assistance reimbursement for hospitals that are paid retrospectively under the Medical Assistance program and that qualify under federal requirements as “disproportionate share” hospitals which serve a high proportion of Medical Assistance recipients or low-income persons. - 0963

# Law Revision Committee

## Remedial Legislation Proposals

### *Department of Health and Family Services*

- LRB-0952/P1
- LRB-0955/P1
- LRB-0956/P1
- LRB-0967/P1
- LRB-0969/P1
- LRB-1054/P1
- LRB-2205/P1
- LRB-2209/P1
- LRB-2210/P1
- LRB-0963/P1

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0952/P1dn  
DAK:jlg:km

November 24, 1998

To Laura Rose:

1. Please review my repeal of s. 46.036 (5m) (b) 3.; it differs from the DHFS treatment, but, so far as I can see, its application was intended originally to be for 1995 only. What DHFS intends to do with this is somewhat difficult to ascertain from the instructions, but it appears that it would not be appropriate to update it to apply generally to every year. Please let me know if you disagree. OK

2. Please also note the initial applicability provision, to avoid impairment of contract problems. OK

Debora A. Kennedy  
Assistant Chief Counsel  
266-0137



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** to repeal 46.036 (5m) (b) 3.; and **to amend** 46.036 (5m) (b) 1. and 46.036  
2           (5m)(b) 2. of the statutes; **relating to:** the amounts of revenues in excess of  
3     allowable costs that may be retained by nonprofit providers of rate-based  
4     services under contracts with the department of health and family services or  
5     with certain county departments (suggested as remedial legislation by the  
6     department of health and family services).

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***Analysis by the Legislative Reference Bureau***

Under current law, the department of health and family services (DHFS) and county departments of social services, human services, developmental disabilities services and community programs contract with nonprofit agencies to provide rate-based services (services that are reimbursed through a prospectively set rate). The nonprofit service providers are authorized to retain limited amounts of revenues in excess of allowable costs that are incurred in the contract period. Amounts of revenue in excess of the limits must be returned to the purchaser upon request. The limits are specified under a two-part test. The first test caps the amount that is authorized to be retained at 5% of the contract amount. The second test caps accumulated reserves for all years at 10% of the amount of all current contracts for the rate-based service; if a provider has been able to retain excess revenue at this amount for four consecutive contract periods, the provider must apply 50% of that accumulated amount to reducing its unit rate of service per client for that rate-based



service in the next contract period. Special provisions apply for excess revenues authorized to be retained in 1995.

This bill changes the basis for calculating limits on amounts of revenue; in excess of allowable costs that **may** be retained by nonprofit providers of rate-based services under contract with DHFS and county departments. Under the bill, the first limit is changed to cap the amount that a provider may retain at 5% of the **revenue** received under the contract, rather than 5% of the contract amount. The second limit is changed to cap an accumulated amount that a provider may retain at 10% of the revenue received under all current contracts for that rate-based service, rather than 10% of the amount of all current contracts. In addition, the bill eliminates the special provisions for excess revenues authorized to be retained in 1995.

For further information, see the **NOTES** provided by the law revision committee of the joint legislative council.

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

**LAW REVISION COMMITTEE PREFATORY NOTE:** [This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1)(c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 46.036 (5m) (b) 1. of the statutes is amended to read:

2           46.036 **(5m)** (b) 1. Subject to ~~subs. 2. and 3.~~ subd. 2., if revenue under a  
3 contract for the provision of a rate-based service exceeds allowable costs incurred in  
4 the contract period, the provider may retain from the surplus generated by that  
5 rate-based service up to 5% of the revenue received under the contract ~~amount~~. A  
6 provider that retains a surplus under this subdivision shall use that retained surplus  
7 to cover a deficit between revenue and allowable costs incurred in any **preceding** or  
8 future contract period for the same rate-based service that generated the surplus or  
9 to address the programmatic needs of clients served by the same ~~rate-based~~ service  
10 that generated the surplus.

11           **SECTION 2.** 46.036 (5m) (b) 2. of the statutes is amended to read:




**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0955/P1dn  
DAK:jlg:km

February 24, 1999

To Laura Rose:

Please note that this draft changes provisions in s. 50.04 (6), stats., in addition to the terminology changes for s. 50.053, stats., that the department requested. It seems to me that the confusion between the federal and state terms that DHFS has outlined in the request would apply to these additional provisions as well. However, if these changes are contrary to the department's intent, please let me know and I will redraft.

  
OK

Debra A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137



PRELIMINARY **DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT to amend 50.04 (6) (c), 50.04 (6) (d), 50.04 (6) (e) and 50.053** of the  
2 statutes; **relating to:** changing the term “informal conference” to “case  
3 conference” for resolution of appeals of alleged violations by certain facilities  
4 (suggested as remedial legislation by the department of health and family  
5 services).

---

***Analysis by the Legislative Reference Bureau***

Currently, the department of health and family services (DHFS) may hold informal conferences, prior to contested case hearings, to resolve issues related to alleged violations of licensure and other statutory requirements by nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes. DHFS also is authorized to revoke a nursing home’s license by issuing a conditional license, if DHFS finds that certain violations continue to exist in the nursing home. A nursing home may request an informal conference prior to issuance of the conditional license.

This bill changes the term “informal conference” to “case conference”.

For further information, see the **NOTES** provided by the law revision committee of the joint legislative council.

---

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1)(c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 50.04 (6) (c) of the statutes is amended to read:

2           50.04 (6) (c) Notice. Written notice of the decision to issue a conditional license  
3 shall be sent to the facility together with the proposed plan of correction. The notice  
4 shall inform the facility of its right to ~~an informal a case~~ conference prior to issuance  
5 of the conditional license under par. (d) and of its right to a full hearing under par.  
6 (e).

7           **SECTION 2.** 50.04 (6) (d) of the statutes is amended to read:

8           50.04 (6) (d) ~~Informal Case conference.~~ If the facility desires to have ~~an~~  
9 ~~informal a case~~ conference it shall, within 4 working days of receipt of the notice  
10 under par. (c), send a written request for ~~an informal a case~~ conference to the  
11 department. The department shall, within 4 working days from the receipt of the  
12 request, hold ~~an informal a case~~ conference in the county in which the facility is  
13 located. Following this conference the department may affirm or overrule its  
14 previous decision, or modify the terms of the conditional license and plan of  
15 correction. The conditional license may be issued after the ~~informal case~~ conference,  
16 or after the time for requesting ~~an informal a case~~ conference has expired, prior to  
17 any further hearing.

18           **SECTION 3.** 50.04 (6) (e) of the statutes is amended to read:

19           50.04 (6) (e) **Hearing.** If after the ~~informal case~~ conference the licensee desires  
20 to contest the basis for issuance of a conditional license, or the terms of the license  
21 or plan of correction, the licensee shall send a written request for hearing to the  
22 department within 4 working days after issuance of the conditional license. The

1 department shall hold the hearing within 30 days of receipt of such notice and shall  
2 immediately notify the licensee of the date and location of the hearing.

3 SECTION 4. 50.053 of the statutes is amended to read:

4 50.053 **Informal Case conference.** The department may hold ~~an informal~~  
5 a case conference with the parties to any contested action under this subchapter to  
6 resolve any or all issues prior to formal hearing. Unless any party to the contested  
7 case objects, the department may delay the commencement of the formal hearing in  
8 order to hold the ~~informal case~~ case conference.

9 (END)



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT** to *amend* 50.035 (3) (a); and to create 50.02 (2) (ag) of the statutes;  
2 **relating to:** requiring the presence of a manager or his or her agent at certain  
3 times in specifically classified community-based residential facilities  
4 (suggested as remedial legislation by the department of health and family  
5 services).

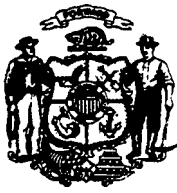
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***Analysis by the Legislative Reference Bureau***

Under current law, a community-based residential facility is defined to be a place where five or more adults reside who are unrelated to the operator or administrator and who do not require care above intermediate level nursing care. The residents may receive care, treatment or services above the level of room and board but that include no more than three hours of nursing care per week per resident. DHFS licenses and otherwise regulates community-based residential facilities. As part of that regulation, unless waived by DHFS, managers of "Class C" community-based residential facilities, or their agents, must be in the facility at any time that residents are. Managers of "Class A" or "Class B" community-based residential facilities must be in the facility from 7 p.m. to 7 a.m., when residents are in the facility, and must be available to residents from 7 a.m. to 7 p.m. The statutes refer to specified Wisconsin Administrative Code (rules) provisions for the definitions of "Class A", "Class B" and "Class C" community-based residential facilities; however, the rules specify designations only for "Class A" and "Class C" community-based residential facilities.







PRELIMINARY **DRAFT** – NOT READY FOR INTRODUCTION

1     **AN ACT to amend** 48.57 (3m) (am) 5. and 48.57 (3n) (am) 5. of the statutes;  
2             **relating to:** the conditions that must be met for a person to receive kinship care  
3             or long-term kinship care payments (suggested as remedial legislation by the  
4             department of health and family services).

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***Analysis by the Legislative Reference Bureau***

Under current law, certain relatives of a child who provide care and maintenance for the child are eligible for payments in the amount of \$215 per month if certain conditions are met (kinship care relatives and long-term kinship care relatives). Those conditions include the condition that the kinship care relative or long-term kinship care relative cooperate with the county department of human services or social services (county department) or, in a county having a population of 500,000 or more, the department of health and family services (DHFS) in the application process, including applying for other forms of assistance for which the kinship care relative or long-term kinship care relative may be eligible. This bill changes that condition to require the kinship care relative or long-term kinship care relative to cooperate with the county department or DHFS, including applying for other forms of assistance for which the **child** may be eligible.





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** to create 48.75 (1g) (a) 5. of the statutes; **relating to:** the licensing of  
2           foster homes (suggested as remedial legislation by the department of health  
3           and family services).

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***Analysis by the Legislative Reference Bureau***

Under current law, the county department of human services or social services or, in a county having a population of 500,000 or more, the department of health and family services (public licensing agency) ordinarily may license a foster home only if the foster home is located in the county of the public licensing agency. A public licensing agency may, however, license a foster home located in another county if certain exceptions apply. This bill permits a public licensing agency to license a foster home located in another county on the request of the public licensing agency of the county in which the prospective foster home is located.

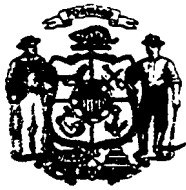
For further information, see the **NOTES** provided by the law revision committee of the joint legislative council.

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

**LAW REVISION COMMITTEE PREFATORY NOTE:** This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1)(c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT to amend 252.17 (3) (b) and 252.17 (4) (a); and to create 252.17 (4) (d)**  
2 and 252.17 (6) (c) of the statutes; **relating to:** increasing the family income that  
3 an individual may have to be eligible for the medical leave premium subsidy  
4 program and **granting** rule-making authority (suggested as remedial  
5 legislation by the department of health and family services).

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***Analysis by the Legislative Reference Bureau***

Under current law, the department of health and family services (DHFS) pays the premiums for coverage under a group health plan for an individual who has HIV infection and who is on unpaid medical leave from his or her employment because of an illness or medical condition related to HIV infection. The individual must have coverage under the group health plan through his or her employment and the individual's family income may not exceed 200% of the federal poverty line. This bill changes the level of family income that an individual who is eligible for the program may have to 300% of the federal poverty line. If the individual's family income exceeds 200% of the federal poverty line, DHFS will pay only a portion of the individual's premium for the group health plan. DHFS must, by rule, establish a schedule for the amount of the premium that the individual must pay, taking into consideration both income and family size.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a **remedial legislation** proposal, requested by the department of health **and** family services and **introduced** by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the **various** provisions of the bill, the law revision committee has determined that this bill makes **minor** substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 252.17 (3) (b) of the statutes is amended to read:

2           252.17 (3) (b) Has a family income, as defined by rule under sub. (6), that does  
3 not exceed ~~200%~~ 300% of the federal poverty line, as **defined** under 42 USC 9902 (2),  
4 for a family the size of the individual's family.

5           **SECTION 2.** 252.17 (4) (a) of the statutes is amended to read:

6           252.17 (4) (a) Except as provided in pars. (b) ~~and~~, (c) ~~and~~ (d), if an individual  
7 satisfies sub. (3), the department shall pay the amount of each premium payment for  
8 coverage under the group health plan under sub. (3) (d) that is due from the  
9 individual on or after the date on which the individual becomes eligible for a subsidy  
10 under sub. (3). The department may not refuse to pay the full amount of the  
11 individual's contribution to each premium payment because the coverage that is  
12 provided to the individual who satisfies sub. (3) includes coverage of the individual's  
13 spouse and dependents. Except as provided in par. (b), the department shall  
14 terminate the payments under this section when the individual's unpaid medical  
15 leave ends, when the individual no longer satisfies sub. (3) or upon the expiration of  
16 29 months after the unpaid medical leave began, whichever occurs **first**.

17           **SECTION 3.** 252.17 (4) (d) of the statutes is created to read:





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** to renumber 48.357 (5m) and 938.357 (5m); to renumber and amend  
2           48.30 (6), 48.31 (7), 48.363 (l), 938.30 (6), 938.31 (7) and 938.363 (1); to amend  
3           46.10 (l), 46.10 (14) (e) l., 48.363 (lm), 48.363 (2), 301.12 (1), 301.12 (14) (e) l.,  
4           767.02 (1) (m), 767.30(1), 767.305, 767.32 (1) (a), 767.32 (2r), 780.01 (5), 938.363  
5           (lm) and **938.363 (2)**; and to create **48.30 (6) (c)**, 48.31 (7) (c), 48.355 (2) (b) 4m.,  
6           48.357 (5m) (b), 48.363 (1) (d), 938.30 (6) (c), **938.31 (7) (c)**, 938.355 (2) (b) 4m.,  
7           938.357 (5m) (b) and 938.363 (1) (d) of the statutes; **relating to:** the provision  
8           of financial information by a parent of a child who is placed in substitute care  
9           (suggested as remedial legislation by the department of health and family  
10          services).

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***Analysis by the Legislative Reference Bureau***

Under current law, if it appears to the court assigned to exercise jurisdiction under the children's code and juvenile justice code (juvenile court) that the juvenile court's disposition of the case of a child or juvenile who is alleged to be in need of protection or services or of a juvenile who is alleged to be delinquent may include placement of the child or juvenile outside of his or her home, the juvenile court must order the parent of the child or juvenile to provide a statement of income, assets,



debts and living expenses to the juvenile court or to the county department of human services or social services (county department), the department of health and family services (DHFS), department of corrections (DOC) or the child welfare 'agency (collectively "agency") designated to provide a dispositional report to the juvenile court. Similarly, if a proposed change in placement of a child or juvenile who is subject to a dispositional order would change the placement of the child or juvenile from a placement in his or her home to a placement outside of his or her home or if a proposed revision of a dispositional order would change the amount of child support to be paid by a parent, the juvenile court must order the parent of the child or juvenile to provide such a statement to the juvenile court or to the person or agency that is primarily responsible for implementing the dispositional order.

This bill provides that, if the juvenile court orders the parent of a child or juvenile to provide a statement of income, assets, debts and living expenses to the juvenile court, or orders the parent to provide such a statement to the agency designated to provide a dispositional report to the juvenile court or to the agency that is primarily responsible for implementing the juvenile court's dispositional order and that agency is not the county Department or, in the case of a child in need of protection or services in Milwaukee County, DHFS, the juvenile court must also order the parent to provide such a statement to the county department or, in the case of a child in need of protection or services in Milwaukee County, DHFS. The county department or DHFS must use the information provided in the statement to determine whether DHFS or DOC may claim federal foster care and adoption assistance reimbursement under Title IV-E of the federal Social Security Act for the cost of providing care for the child.

For further information, see the **NOTES** provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1)(c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 46.10 (1) of the statutes is amended to read:  
 2           46.10 (1) Liability and the collection and enforcement of such liability for the  
 3 care, maintenance, services and supplies specified in this section is governed  
 4 exclusively by this section, except in cases of child support ordered by a court under  
 5 s. 48.355 (2) (b) 4., 48.357 (5m) (a) or 48.363 (2) or ch. 767.

1           **SECTION 2.** 46.10 (14) (e) 1. of the statutes is amended to read:

2           46.10 (~~14~~) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a) or  
3           48.363 (2) for support determined under this subsection constitutes an assignment  
4           of all commissions, earnings, salaries, wages, pension benefits, benefits under ch.  
5           102 or 108 and other money due or to be due in the future to the county department  
6           under s. 46.22 or 46.23 in the county where the order was entered or to the  
7           department, depending upon the placement of the child as specified by rules  
8           promulgated under subd. 5. The assignment shall be for an amount sufficient to  
9           ensure payment under the order.

10           **SECTION 3.** 48.30 (6) of the statutes is renumbered 48.30 (6) (a) and amended  
11           to read:

12           48.30 (6) (a) If a petition is not contested, the court shall set a date for the  
13           dispositional hearing which allows reasonable time for the parties to prepare but is  
14           no more than 10 days after the plea hearing for a child who is held in secure custody  
15           and no more than 30 days after the plea hearing for a child or an expectant mother  
16           who is not held in secure custody. If all parties consent the court may proceed  
17           immediately with the dispositional hearing.

18           (b) If it appears to the court that disposition of the case may include placement  
19           of the child outside the child's home, the court shall order the child's parent to provide  
20           a statement of income, assets, debts and living expenses to the court or the  
21           designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the  
22           dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
23           provide, without charge, to any parent ordered to provide a statement of income,  
24           assets, debts and living expenses a document setting forth the percentage standard  
25           established by the department of workforce development under s. 49.22 (9) and the

1 manner of its application established by the department of health and family  
2 services under s. 46.247 and listing the factors that a court may consider under s.  
3 46.10 (14) (c). ~~If all parties consent the court may proceed immediately with the~~  
4 ~~dispositional hearing.~~

5 SECTION 4. 48.30 (6) (c) of the statutes is created to read:

6 48.30 (6) (c) If the court orders the child's parent to provide a statement of  
7 income, assets, debts and living expenses to the court or if the court orders the child's  
8 parent to provide that statement to the designated agency under s. 48.33 (1) and that  
9 designated agency is not the county department or, in a county having a population  
10 of 500,000 or more, the department, the court shall also order the child's parent to  
11 provide that statement to the county department or, in a county having a population  
12 of 500,000 or more, the department at least 5 days before the scheduled date of the  
13 dispositional hearing or as otherwise ordered by the court. The county department  
14 or, in a county having a population of 500,000 or more, the department shall provide,  
15 without charge, to the parent a form on which to provide that statement, and the  
16 parent shall provide that statement on that form. The county department or, in a  
17 county having a population of 500,000 or more, the department shall use the  
18 information provided in the statement to determine whether the department may  
19 claim federal foster care and adoption assistance reimbursement under 42 USC 670  
20 to 679a for the cost of providing care for the child.

21 SECTION 5. 48.31 (7) of the statutes is renumbered 48.31 (7) (a) and amended  
22 to read:

23 48.31 (7) (a) At the close of the fact-finding hearing, the court shall set a date  
24 for the dispositional hearing which allows a reasonable time for the parties to  
25 prepare but is no more than 10 days after the fact-finding hearing for a child in

1 secure custody and no more than 30 days after the fact-finding hearing for a child  
2 or expectant mother who is not held in secure custody. If all parties consent, the court  
3 may immediately proceed with a dispositional hearing.

4 (b) If it appears to the court that disposition of the case may include placement  
5 of the child outside the child's home, the court shall order the child's parent to provide  
6 a statement of income, assets, debts and living expenses to the court or the  
7 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the  
8 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
9 provide, without charge, to any parent ordered to provide a statement of income,  
10 assets, debts and living expenses a document setting forth the percentage standard  
11 established by the department of workforce development under s. 49.22 (9) and the  
12 manner of its application established by the department of health and family  
13 services under s. 46.247 and listing the factors that a court may consider under s.  
14 46.10 (14) (c). ~~If all parties ██████████, the court may immediately proceed with a~~

1 5 ~~dispositional hearing.~~

16 **SECTION 6.** 48.31 (7) (c) of the statutes is created to read:

17 48.31 (7) (c) If the court orders the child's parent to provide a statement of  
18 income, assets, debts and living expenses to the court or if the court orders the child's  
19 parent to provide that statement to the designated agency under s. 48.33 (1) and that  
20 designated agency is not the county department or, in a county having a population  
21 of 500,000 or more, the department, the court shall also order the child's parent to  
22 provide that statement to the county department or, in a county having a population  
23 of 500,000 or more, the department at least 5 days before the scheduled date of the  
24 dispositional hearing or as otherwise ordered by the court. The county department  
25 or, in a county having a population of 500,000 or more, the department shall provide,

1 without charge, to the parent a form on which to provide that statement, and the  
2 parent shall provide that statement on that form. The county department or, in a  
3 county having a population of 500,000 or more, the department shall use the  
4 information provided in the statement to determine whether the department may  
5 claim federal foster care and adoption assistance reimbursement under 42 USC 670  
6 to 679a for the cost of providing care for the child.

7 SECTION 7. 48.355 (2) (b) 4m. of the statutes is created to read:

8 48.355 (2) (b) 4m. If the child is placed outside the home and if the child's parent  
9 has not already provided a statement of income, assets, debts and living expenses to  
10 the county department or, in a county having a population of 500,000 or more, the  
11 department under s. 48.30 (6) (b) or (c) or 48.31 (7) (b) or(c), an order for the parent  
12 to provide that statement to the county department or, in a county having a  
13 population of 500,000 or more, department by a date specified by the court. The  
14 county department or, in a county having a population of 500,000 or more, the  
15 department shall provide, without charge, to the parent a form on which to provide  
16 that statement, and the parent shall provide that statement on that form. The  
17 county department or, in a county having a population of 500,000 or more, the  
18 department shall use the information provided in the statement to determine  
19 whether the department may claim federal foster care and adoption assistance  
20 reimbursement under 42 USC 670 to 679a for the cost of providing care for the child.

21 SECTION 8. 48.357 (5m) of the statutes is renumbered 48.357 (5m) (a).

22 SECTION 9. 48.357 (5m) (b) of the statutes is created to read:

23 48.357 (5m) (b) If the court orders the child's parent to provide a statement of  
24 income, assets, debts and living expenses to the court or if the court orders the child's  
25 parent to provide that statement to the person or agency primarily responsible for

1 . implementing the dispositional order and that person or agency is not the county  
2 department or, in a county having a population of 500,000 or more, the department,  
3 the court shall also order the child's parent to provide that statement to the county  
4 department or, in a county having a population of 500,000 or more, the department  
5 by a date specified by the court. The county department or, in a county having a  
6 population of 500,000 or more, the department shall provide, without charge, to the  
7 parent a form on which to provide that statement, and the parent shall provide that  
8 statement on that form. The county department or, in a county having a population  
9 of 500,000 or more, the department shall use the information provided in the  
10 statement to determine whether the department may claim federal foster care and  
11 adoption assistance reimbursement under 42 USC 670 to 679a for the cost of  
12 providing care for the child.

13           SECTION 10. 48.363 (1) of the statutes is renumbered 48.363 (1) (a) and  
14 amended to read:

15           48.363 (1) (a) A child, the child's parent, guardian or legal custodian, an  
16 expectant mother, an unborn child by the unborn child's guardian ad litem, any  
17 person or agency bound by a dispositional order or the district attorney or  
18 corporation counsel in the county in which the dispositional order was entered may  
19 request a revision in the order that does not involve a change in placement, including  
20 a revision with respect to the amount of child support to be paid by a parent, or the  
21 court may on its own motion propose such a revision. The request or court proposal  
22 shall set forth in detail the nature of the proposed revision and what new information  
23 is available that affects the advisability of the court's disposition. The request or  
24 court proposal shall be submitted to the court. The court shall hold a hearing on the  
25 matter prior to any revision of the dispositional order if the request or court proposal

1 indicates that new information is available which affects the advisability of the  
2 court's dispositional order and ~~prior to a revision of the dispositional order~~, unless  
3 written waivers of objections to the revision are signed by all parties entitled to  
4 *receive* notice and the court approves.

5 (b) If a hearing is held, the court shall notify the child, the child's parent,  
6 guardian and legal custodian, all parties bound by the dispositional order, the child's  
7 foster parent, treatment foster parent or other physical custodian described in s.  
8 48.62 (2), the district attorney or corporation counsel in the county in which the  
9 dispositional order was entered, and, if the child is the expectant mother of an unborn  
10 child under s. 48.133, the unborn child by the unborn child's guardian ad litem; or  
11 shall notify the adult expectant mother, the unborn child through the unborn child's  
12 guardian ad litem, all parties bound by the dispositional order and the district  
13 attorney or corporation counsel in the county in which the dispositional order was  
14 entered, at least 3 days prior to the hearing. A copy of the request or proposal shall  
15 be attached to the notice. If all parties consent, the court may proceed immediately  
16 with the hearing. No revision may extend the effective period of the original order.

17 (c) If the proposed revision is for a change in the amount of child support to be  
18 paid by a parent, the court shall order the child's parent to provide a statement of  
19 income, assets, debts and living expenses to the court and the person *or* agency  
20 primarily responsible for implementing the dispositional order by a date specified by  
21 the court. The clerk of court shall provide, without charge, to any parent ordered to  
22 provide a statement of income, assets, debts and living expenses a document setting  
23 forth the percentage standard established by the department of workforce  
24 development under s. 49.22 (9) and the manner of its application established by the  
25 department of health and family services under s. 46.247 and listing the factors that

1 a court may consider under s. 46.10 (14) (c). ~~If all parties consent, the court may~~  
2 ~~proceed immediately with the hearing. No revision may extend the effective period~~  
3 ~~of the original order.~~

4 **SECTION 11.** 48.363 (1) (d) of the statutes is created to read:

5 48.363 **(1)** (d) If the court orders the child's parent to provide a statement of  
6 income, assets, debts and living expenses to the court or if the court orders the child's  
7 parent to provide that statement to the person or agency primarily responsible for  
8 implementing the dispositional order and that person or agency is not the county  
9 department or, in a county having a population of 500,000 or more, the department,  
10 the court shall also order the child's parent to provide that statement to the county  
11 department or, in a county having a population of 500,000 or more, the department  
12 by a date specified by the court. The county department or, in a county having a  
13 population of 500,000 or more, the department shall provide, without charge, to the  
14 parent a form on which to provide that statement, and the parent shall provide that  
15 statement on that form. The county department or, in a county having a population  
16 of 500,000 or more, the department shall use the information provided in the  
17 statement to determine whether the department may claim federal foster care and  
18 adoption assistance reimbursement under 42 USC 670 to 679a for the cost of  
19 providing care for the child.

20 **SECTION 12.** 48.363 **(1m)** of the statutes is amended to read:

21 48.363 **(1m)** If a hearing is held under sub. (1) **(a)**, any party may present  
22 evidence relevant to the issue of revision of the dispositional order. In addition, the  
23 court shall give a foster parent, treatment foster parent or other physical custodian  
24 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by  
25 permitting the foster parent, treatment foster parent or other physical custodian to



1 make a written or oral statement during the hearing, or to submit a written  
2 statement prior to the hearing, relevant to the issue of revision. Any written or oral  
3 statement made under this subsection shall be made under oath or affirmation. A  
4 foster parent, treatment foster parent or other physical custodian described in s.  
5 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be  
6 heard under this subsection does not become a party to the proceeding on which the  
7 hearing is held solely on the basis of receiving that notice and opportunity to be  
8 heard.

9 **SECTION 13.** 48.363 (2) of the statutes is amended to read:

10 48.363 (2) If the court revises a dispositional order ~~under sub (1)~~ with respect  
11 to the amount of child support to be paid by a parent for the care and maintenance  
12 of the parent's minor child who has been placed by a court order under this chapter  
13 in a residential, nonmedical facility, the court shall determine the liability of the  
14 parent in the manner provided in s. 46.10 (14).

15 **SECTION 14.** 301.12 (1) of the statutes is amended to read:

16 301.12 (1) Liability and the collection and enforcement of such liability for the  
17 care, maintenance, services and supplies specified in this section is governed  
18 exclusively by this section, except in cases of child support ordered by a court under  
19 s. 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2) or ch. 767.

20 **SECTION 15.** 301.12 (14) (e) 1. of the statutes is amended to read:

21 301.12 (14) (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4., 938.357  
22 (5m) (a) or 938.363 (2) for support determined under this subsection constitutes an  
23 assignment of all commissions, earnings, salaries, wages, pension benefits, benefits  
24 under ch. 102 or 108 and other money due or to be due in the future to the county  
25 department under s. 46.215, 46.22 or 46.23 in the county where the order was entered

1 or to the department, depending upon the placement of the child as specified by rules  
2 promulgated under subd. 5. The assignment shall be for an amount sufficient to  
3 ensure payment under the order.

4 **SECTION 16.** 767.02 (1) (m) of the statutes is amended to read:

5 767.02 (1) (m) To enforce or revise an order for support entered under s. 48.355  
6 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a)  
7 or 938.363 (2).

8 **SECTION 17.** 767.30 (1) of the statutes is amended to read:

9 767.30 (1) If the court orders any payment for support under s. 48.355 (2) (b)  
10 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or  
11 938.363 (2), support or maintenance under s. 767.08, child support, family support  
12 or maintenance under s. 767.23, child support under s. 767.25, maintenance under  
13 s. 767.26, family support under s. 767.261, attorney fees under s. 767.262, child  
14 support or a child's health care expenses under s. 767.477, paternity obligations  
15 under s. 767.458 (3), 767.51 or 767.62 (4), support arrearages under s. 767.293 or  
16 child or spousal support under s. 948.22 (7), the court may provide that any payment  
17 be paid in the amounts and at the times that-it considers expedient.

18 **SECTION 18.** 767.305 of the statutes is amended to read:

19 **767.305 Enforcement; contempt proceedings.** In all cases where a party  
20 has incurred a financial obligation under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363  
21 (2), 767.23, 767.25, 767.255, 767.26, 767.261, 767.262, 767.293, 767.458 (3), 767.477,  
22 767.51, 767.62(4), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2) and  
23 has failed within a reasonable time or as ordered by the court to satisfy such  
24 obligation, and where the wage assignment proceeding under s. 767.265 and the  
25 account transfer under s. 767.267 are inapplicable, impractical or unfeasible, the

1 court may on its own initiative, and shall on the application of the receiving party,  
2 issue an order requiring the payer to show cause at some reasonable time therein  
3 specified why he or she should not be punished for such misconduct as provided in  
4 ch. 785.

5 **SECTION 19.** 767.32 (1) (a) of the statutes is amended to read:

6 767.32 (1) (a) After a judgment or order providing for child support under this  
7 chapter or s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (21) (b)  
8 4., 938.357 (5m) (a), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26  
9 or family support payments under this chapter, or for the appointment of trustees  
10 under s. 767.31, the court may, from time to time, on the petition, motion or order to  
11 show cause of either of the parties, or upon the petition, motion or order to show cause  
12 of the department, a county department under s. 46.215, 46.22 or 46.23 or a county  
13 child support agency under s. 59.53 (5) if an assignment has been made under s.  
14 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) or 49.45 (19) or if either party or  
15 their minor children receive aid under s. 48.57 (3m) or (3n) or ch. 49, and upon notice  
16 to the family court commissioner, revise and alter such judgment or order respecting  
17 the amount of such maintenance or child support and the payment thereof, and also  
18 respecting the appropriation and payment of the principal and income of the  
19 property so held in trust, and may make any judgment or order respecting any of the  
20 matters that such court might have made in the original action, except that a  
21 judgment or order that waives maintenance payments for either party shall not  
22 thereafter be revised *or* altered in that respect nor shall the provisions of a judgment  
23 or order with respect to final division of property be subject to revision or  
24 modification. A revision, under this section, of a judgment or order with respect to  
25 an amount of child or family support may be made only upon a finding of a

1 substantial change in circumstances. In any action under this section to revise a  
2 judgment or order with respect to maintenance payments, a substantial change in  
3 the cost of living by either party or as measured by the federal bureau of labor  
4 statistics may be sufficient to justify a revision of judgment or order with respect to  
5 the amount of maintenance, except that a change in an obligor's cost of living is not  
6 in itself sufficient if payments are expressed as a percentage of income.

7 SECTION 20. 767.32 (2r) of the statutes is amended to read:

8 767.32 (2r) If the court revises a judgment or order providing for child support  
9 that was entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4),  
10 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2), the court shall determine child  
11 support in the manner provided in s. 46.10 (14) or 301.12 (14), whichever is  
12 applicable.

13 SECTION 21. 780.01 (5) of the statutes is amended to read:

14 780.01 (5) For all arrearages owed by the owner in child support ordered under  
15 s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357  
16 (5m) (a), 938.363 (2) or 948.22 (7) or ch. 767 or 769 or in family support ordered under  
17 ch. 767.

18 SECTION 22. 938.30 (6) of the statutes is renumbered 938.30 (6) (a) and  
19 amended to read:

20 938.30 (6) (a) If a petition is not contested, the court shall set a date for the  
21 dispositional hearing which allows reasonable time for the parties to prepare but is  
22 no more than 10 days from the plea hearing for a juvenile who is held in secure  
23 custody and no more than 30 days from the plea hearing for a juvenile who is not held  
24 in secure custody. If all parties consent the court may proceed immediately with the

1 dispositional hearing. If a citation is not contested, the court may proceed  
2 immediately to enter a dispositional order.

3 (b) If it appears to the court that disposition of the case may include placement  
4 of the juvenile outside the juvenile's home, the court shall order the juvenile's parent  
5 to provide a statement of income, assets, debts and living expenses to the court or the  
6 designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
7 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
8 provide, without charge, to any parent ordered to provide a statement of income,  
9 assets, debts and living expenses a document setting forth the percentage standard  
10 established by the department of workforce development under s. 49.22 (9) and  
11 listing the factors that a court may consider under s. 301.12 (14) (c). ~~If all parties~~  
12 ~~consent the court may proceed immediately with the dispositional hearing. If a~~  
13 ~~citation is not contested, the court may proceed immediately to enter a dispositional~~  
14 ~~order.~~

15 **SECTION 23.** 938.30 (6) (c) of the statutes is created to read:

16 938.30 (6) (c) If the court orders the juvenile's parent to provide a statement  
17 of income, assets, debts and living expenses to the court or if the court orders the  
18 juvenile's parent to provide that statement to the designated agency under s. 938.33  
19 (1) and that designated agency is not the county department, the court shall also  
20 order the child's parent to provide that statement to the county department at least  
21 5 days before the scheduled date of the dispositional hearing or as otherwise ordered  
22 by the court. The county department shall provide, without charge, to the parent a  
23 form on which to provide that statement, and the parent shall provide that statement  
24 on that form. The county department shall use the information provided in the  
25 statement to determine whether the department may claim federal foster care and

1 adoption assistance reimbursement under 42 USC 670 to 679a for the cost of  
2 providing care for the juvenile.

3 **SECTION 24.** 938.31 (7) of the statutes is renumbered 938.31 (7) (a) and  
4 amended to read:

5 938.31 (7)(a) At the close of the fact-finding hearing, the court shall set a date  
6 for the dispositional hearing which allows a reasonable time for the parties to  
7 prepare but is no more than 10 days after the fact-finding hearing for a juvenile in  
8 secure custody and no more than 30 days after the fact-finding hearing for a juvenile  
9 not held in secure custody. If all parties consent, the court may immediately proceed  
10 with a dispositional hearing.

11 (b) If it appears to the court that disposition of the case may include placement  
12 of the juvenile outside the juvenile's home, the court shall order the juvenile's parent  
13 to provide a statement of income, assets, debts and living expenses to the court or the  
14 designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
15 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
16 provide, without charge, to any parent ordered to provide a statement of income,  
17 assets, debts and living expenses a document setting forth the percentage standard  
18 established by the department of workforce development under s. 49.22 (9) and  
19 listing the factors that a court may consider under s. 301.12 (14) (c). ~~If all parties~~  
20 ~~consent, the court may immediately proceed with a dispositional hearing.~~

21 **SECTION 25.** 938.31 (7) (c) of the statutes is created to read:

22 938.31 (7) (c) If the court orders the juvenile's parent to provide a statement  
23 of income, assets, debts and living expenses to the court or if the court orders the  
24 juvenile's parent to provide that statement to the designated agency under s. 938.33  
25 (1) and that designated agency is not the county department, the court shall also

1 order the child's parent to provide that statement to the county department at least  
2 5 days before the scheduled date of the dispositional hearing or as otherwise ordered  
3 by the court. The county department shall provide, without charge, to the parent a  
4 form on which to provide that statement, and the parent shall provide that statement  
5 on that form. The county department shall use the information provided in the  
6 statement to determine whether the department may claim federal foster care and  
7 adoption assistance reimbursement under 42 USC 670 to 679a for the cost, of  
8 providing care for the juvenile.

9 **SECTION 26.** 938.355 (2) (b) 4m. of the statutes is created to read:

10 938.355 (2) (b) 4m. If the juvenile is placed outside the home and if the  
11 juvenile's parent has not already provided a statement of income, assets, debts and  
12 living expenses to the county department under s. 938.30 (6) (b) or (c) or 938.31 (7)  
13 (b) or(c), an order for the parent to provide that statement to the county department  
14 by a date specified by the court. The county department shall provide, without  
15 charge, to the parent a form on which to provide that statement, and the parent shall  
16 provide that statement on that form. The county department shall use the  
17 information provided in the statement to determine whether the department may  
18 claim federal foster care and adoption assistance reimbursement under 42 USC 670  
19 to 679a for the cost of providing care for the juvenile.

20 **SECTION 27.** 938.357 (5m) of the statutes is renumbered 938.357 (5m) (a).

21 **SECTION 28.** 938.357 (5m) (b) of the statutes is created to read:

22 938.357 (5m) (b) If the court orders the juvenile's parent to provide a statement  
23 of income, assets, debts and living expenses to the court or if the court orders the  
24 juvenile's parent to provide that statement to the person or agency primarily  
25 responsible for implementing the dispositional order and that person or agency is not

1 the county department, the court shall also order the juvenile's parent to provide that  
2 statement to the county department by a date specified by the court. The county  
3 department shall provide, without charge, to the parent a form on which to provide  
4 that statement, and the parent shall provide that statement on that form. The  
5 county department shall use the information provided in the statement to determine  
6 whether the department may claim federal foster care and adoption assistance  
7 reimbursement under 42 USC 670 to 679a for the cost of providing care for the  
8 juvenile.

9 SECTION 29. 938.363 (1) of the statutes is renumbered 938.363 (1) (a) and  
10 amended to read:

11 938.363 (1) (a) A juvenile, the juvenile's parent, guardian or legal custodian,  
12 any person or agency bound by a dispositional order or the district attorney or  
13 corporation counsel in the county in which the dispositional order was entered may  
14 request a revision in the order that does not involve a change in placement, including  
15 a revision with respect to the amount of child support to be paid by a parent, or the  
16 court may on its own motion propose such a revision. The request or court proposal  
17 shall set forth in detail the nature of the proposed revision and what new information  
18 is available that affects the advisability of the court's disposition. The request or  
19 court proposal shall be submitted to the court. The court shall hold a hearing on the  
20 matter prior to any revision of the dispositional order if the request or court proposal  
21 indicates that new information is available ~~which that~~ affects the advisability of the  
22 court's dispositional order ~~and prior to any revision of the dispositional order~~, unless  
23 written waivers of objections to the revision are signed by all parties entitled to  
24 receive notice and the court approves.



1 (b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent,  
2 guardian and legal custodian, all parties bound by the dispositional order, the  
3 juvenile's foster parent, treatment foster parent or other physical custodian  
4 described in s. 48.62 (2), and the district attorney or corporation counsel in the county  
5 in which the dispositional order was entered at least 3 days prior to the hearing. A  
6 copy of the request or proposal shall be attached to the notice. If all parties consent,  
7 the court may proceed immediately with the hearing. No revision may extend the  
8 effective period of the original order, or revise an original order under s. 938.34 (3)  
9 (f) or (6) (am) to impose more than 30 days of detention, nonsecure custody or  
10 inpatient treatment on a juvenile.

11 (c) If the proposed revision is for a change in the amount of child support to be  
12 paid by a parent, the court shall order the juvenile's parent to provide a statement  
13 of income, assets, debts and living expenses to the court and the person or agency  
14 primarily responsible for implementing the dispositional order by a date specified by  
15 the court. The clerk of court shall provide, without charge, to any parent ordered to  
16 provide a statement of income, assets, debts and living expenses a document setting  
17 forth the percentage standard established by the department of workforce  
18 development under s. 49.22 (9) and listing the factors that a court may consider  
19 under s. 46.10 (14) (c). ~~If all parties consent, the court may proceed immediately with~~  
20 ~~a~~  
21 ~~revision of an original order under s. 938.34 (3) (f) or (6) (am) to impose more than 30 days~~  
22 ~~of detention, nonsecure custody or inpatient treatment on a juvenile.~~

23 SECTION 30. 938.363 (1) (d) of the statutes is created to read:

24 938.363 (1) (d) If the court orders the juvenile's parent to provide a statement  
25 of income, assets, debts and living expenses to the court or if the court orders the

1 juvenile's parent to provide that statement to the person or agency primarily  
2 responsible for implementing the dispositional order and that person or agency is not  
3 the county department, the court shall also order the juvenile's parent to provide that  
4 statement to the county department by a date specified by the court. The county  
5 department shall provide, without charge, to the parent a form on which to provide  
6 that statement, and the parent shall provide that statement on that form. The  
7 county department shall use the information provided in the statement to determine  
8 whether the department may claim federal foster care and adoption assistance  
9 reimbursement under 42 USC 670 to 679a for the cost of providing care for the  
10 juvenile.

11 **SECTION 31.** 938.363 (1m) of the statutes is amended to read:

12 938.363 (1m) If a hearing is held under sub. (1) (a), any party may present  
13 evidence relevant to the issue of revision of the dispositional order. In addition, the  
14 court shall give a foster parent, treatment foster parent or other physical custodian  
15 described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by  
16 permitting the foster parent, treatment foster parent or other physical custodian to  
17 make a written or oral statement during the hearing, or to submit a written  
18 statement prior to the hearing, relevant to the issue of revision. Any written or oral  
19 statement made under this subsection shall be made under oath or affirmation. A  
20 foster parent, treatment foster parent or other physical custodian described in s.  
21 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be  
22 heard under this subsection does not become a party to the proceeding on which the  
23 hearing is held solely on the basis of receiving that notice and opportunity to be  
24 heard.

25 **SECTION 32.** 938.363 (2) of the statutes is amended to read:





PRELIMINARY **DRAFT - NOT READY** FOR INTRODUCTION

1 **AN ACT to repeal** 46.717 of the statutes; **relating to:** funding for fiscal year  
2 1993-94 for pilot alcohol and other drug abuse treatment program for  
3 hearing-impaired individuals (suggested as remedial legislation by the  
4 department of health and family services).

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***Analysis by the Legislative Reference Bureau***

Under current law, the department of health and family services (DHFS) receives federal block grant funding for substance abuse treatment and community mental health programs. DHF'S was directed to distribute \$50,000 of that money to fund start-up costs for a pilot alcohol and other drug abuse treatment program for hearing-impaired individuals in fiscal year 1993-94. This bill eliminates the provision relating to the distribution offundingfor those start-up costs for fiscal year 1993-94.

For further information, see the **NOTES** provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1)(c) 4., stats. After careful consideration of




**DRAFTERS Nom**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2210P1dn  
DAK:cmh:km

May 13, 1999

To Laura Rose:

Please review this draft carefully to ensure that it is consistent with your intent. In particular, please note the following: 

1. Under the schedule for s. 20.435 (7) (dL), the department is already permitted to award up to \$271,600 per year to tribal governing bodies to help facilitate the delivery of social services and mental hygiene services. Thus, no reference to the the maximum funding available for this program is needed in s. 46.70. (This will provide DHFS flexibility if funding for the program ultimately increases beyond \$271,600.)

2. According to Sherwood Siegel, funding under s. 46.70 is consolidated with other funding for the tribes through s. 46.03 (41). As a result, DHFS does not enforce the procedural requirements contained in s. 46.70 (2) and (3). (According to Nancy Young, who administers this program at DHFS, separate application, accounting and reporting requirements are contained in the contracts awarding the consolidated funding under s. 46.03 (41).) Thus, under the draft, those procedural requirements have been eliminated. Is this consistent with your intent?

3. Nancy Young also indicated to us that the only money which DHFS provides to the tribes for this program is the funding appropriated under s. 20.435 (7) (dL). Despite the cross-references to s. 46.70 in s. 20.435 (3) (o) and (7) (o) and the cross-reference to 20.435 (3) (o) in s. 46.70, no federal funding is used for this program. In view of that, we have deleted those obsolete cross-references.

4. The budget bill proposes to fund this program in the future from Indian gaming program revenue. If the budget bill is enacted before this bill, we will need to amend this bill to reflect the renumbering which the change in funding will entail.

Debora A. Kennedy  
Assistant Chief Counsel  
Phone: (608) 266-0137



PRELIMINARY **DRAFT - NOT READY FOR** INTRODUCTION

1 **AN ACT to repeal** 46.70 (3); **to consolidate, renumber and amend** 46.70 (1)  
2 and (2); and **to amend** 20.435 (3) (o) and 20.435 (7) (o) of the statutes; **relating**  
3 to: funding for social services and mental hygiene services for American  
4 Indians (suggested as remedial legislation by the department of health and  
5 family services).

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***Analysis by the Legislative Reference Bureau***

Under current law, the department of health and family services (DHFS) provides funding to federally recognized tribal governing bodies to facilitate the delivery of social services and mental hygiene services by county departments of social services, county departments of community programs and county departments of developmental disabilities services. Current law includes ceilings for this funding for fiscal years 1991-92 and 1992-93. The provisions relating to this funding also condition its disbursement on DHFS approval of an application submitted by the tribal governing body and on the tribal governing body complying with certain accounting and reporting requirements. Current law, however, also permits DHFS to consolidate these funds with other funding appropriated for tribes for health and social services, without directly imposing such conditions on its disbursement. Finally, DHFS funds this program exclusively through general purpose revenues, while current law indicates that DHFS may use certain money from federal grants to fund it.

This bill eliminates references to funding for this program which were applicable only to fiscal years 1991-92 and 1992-93. It also eliminates procedural

requirements relating to the funding while maintaining DHFS' authority to consolidate and distribute it with other tribal health and social service funding. Finally, it eliminates cross-references between provisions relating to this program and certain appropriations provisions relating to federal grants.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the the department of health and family services and introduced by the law revision committee under s. 13.83 (1)(c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

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

2           **20.435 (3) (o) Community aids; prevention activities.** All federal moneys  
3 received under 42 USC 300x-21 to 300x-35 in amounts pursuant to allocation plans  
4 developed by the department of health and family services for the provision or  
5 purchase of services authorized under sub. (7) (b) ~~and s. 46.70~~ for distribution under  
6 s. 46.40 (2m) (a) for prevention related activities.

7           **SECTION 2.** 20.435 (7) (o) of the statutes is amended to read:

8           **20.435 (7) (o) Federal aid; community aids.** All federal moneys received in  
9 amounts pursuant to allocation plans developed by the department for the provision  
10 or purchase of services authorized under par. (b) ~~and s. 46.70~~; all federal moneys  
11 received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985;  
12 all moneys transferred under 1997 Wisconsin Act 237, section 9222 (3), from the  
13 appropriation account under par. (md); and all unanticipated federal social services  
14 block grant funds received under 42 USC 1397 to 1397e, in accordance with s. 46.49  
15 (2), for distribution under s. 46.40. Disbursements from this appropriation may be  
16 made directly to counties for social and mental hygiene services under s. 46.03 (20)



1 (b) or 46.031 or directly to counties in accordance with federal requirements for the  
2 disbursal of federal funds.

3 **SECTION 3.** 46.70 (1) and (2) of the statutes are consolidated, renumbered 46.70  
4 and amended to read:

5 46.70 **Delivery of services to American Indians.** To facilitate the delivery  
6 of accessible, available and culturally appropriate social services and mental  
7 hygiene services to American Indians by county departments under s. 46.215, 46.22,  
8 51.42 or 51.437, the department may fund federally recognized tribal governing  
9 bodies. ~~(2) From the appropriations in this state from the appropriation under s.~~  
10 ~~20.435 (7) (dL) and (e), the department may make available to any of the 11 federally~~  
11 ~~recognized tribal governing bodies in this state funds for the purposes stated in sub.~~  
12 ~~(1). Beginning July 1, 1991, and ending September 30, 1991, the department may~~  
13 ~~award to each tribal governing body up to \$6,800. Beginning October 1, 1991, and~~  
14 ~~ending September 30, 1992, the department may award to each tribal governing~~  
15 ~~body up to \$27,200. Beginning October 1, 1992, and ending June 30, 1993, the~~  
16 ~~department may award to each tribal governing body up to \$20,400. Receipt of funds~~  
17 ~~is contingent upon department approval of an application submitted by a tribal~~  
18 ~~governing body. The department may partially approve any application and provide~~  
19 ~~only part of the funds requested. Each application shall contain a plan for~~  
20 ~~expenditure of funds, consistent with the purposes stated in sub. (1).~~

21 **SECTION 4.** 46.70 (3) of the statutes is repealed.

22 (END)

**D - S N O T E**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0963/P1dn  
DAK:jlj:km

September 16, 1999

To Laura Rose:

I added to this draft reference to the federal law that contains the description of requirements for qualifying as a disproportionate share hospital.

Debra A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT** to *amend* 49.45 (3) (e) 4. of the statutes; **relating to:** additional medical  
2 assistance payments to a hospital that qualifies as a disproportionate share  
3 hospital.

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***Analysis by the Legislative Reference Bureau***

Under current state law, the department of health and family services (DHFS) may reimburse hospitals prospectively or retrospectively for providing services to recipients of medical assistance. For hospitals that DHFS reimburses retrospectively, total reimbursement during a hospital's fiscal year may not exceed the lower of the hospital's charges for the services or the actual and reasonable allowable costs to the hospital of providing the services.

Under current federal law, a hospital that serves a high proportion of medical assistance recipients or low-income persons may qualify for increased medical assistance reimbursement as a "disproportionate share" hospital.

This bill provides for increased medical assistance reimbursement for hospitals that are paid retrospectively under the medical assistance program and that qualify under federal requirements as "disproportionate share" hospitals.

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

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

