

## Sorted Item List

<u>Store File Name</u>	<u>Text</u>
-2210.1	Λ 20.435 (3) (o) of the statutes is amended to read: '
-22 10.2	Λ 20.435 (7) (o) of the statutes is amended to read: '
-0952.1	Λ 46.036 (5m) (b) 1. of the statutes is amended to read: '
-0952.2	Λ 46.036 (5m) (b) 2. of the statutes is amended to read: '
-0952.3	A 46.036 (5m) (b) 3. of the statutes is repealed. .
-2205.1	Λ 46.10 (1) of the statutes is amended to read: -
-2205.2	Λ 46.10 (14) (e) 1. of the statutes is amended to read:
-2210.3	☆ — 46.70 (1) and (2) of the statutes are consolidated, renumbered 46.70 and amended to read: <i>affected Act 9!</i>
-2210.4	Λ 46.70 (3) of the statutes is repealed. -
-2209 . 1	Λ 46.717 of the statutes is repealed. -
-2205.3	Λ 48.30 (6) of the statutes is renumbered 48.30 (6) (a) and amended to read: -
-2205.4	Λ 48.30 (6) (c) of the statutes is created to read: -
-2205.5	Λ 48.3 l(7) of the statutes is renumbered 48.3 l(7) (a) and amended to read: -
-2205.6	Λ 48.31 (7) (c) of the statutes is created to read: -
-2205.7	Λ 48.355 (2) (b) 4m. of the statutes is created to read: -
-2205.8	Λ 48.357 (5m) of the statutes is renumbered 48.357 (5m) (a). -
-2205.9	Λ 48.357 (5m) (b) of the statutes is created to read: -
-2205.10	Λ 48.363 (1) of the statutes is renumbered 48.363 (1) (a) and amended to , read:
-2205.11	Λ 48.363 (1) (d) of the statutes is created to read: -
-2205.12	A 48.363 (1m) of the statutes is amended to read: -
-2205.13	Λ 48.363 (2) of the statutes is amended to read: -
-0967.1	Λ 48.57 (3m) (am) 5. of the statutes is amended to read: '
-0967.2	Λ 48.57 (3n) (am) 5. of the statutes is amended to read: -
-0969.1	Λ 48.75 (1g) (a) 5. of the statutes is created to read: -
-0963.1	Λ 49.45 (3) (e) 4. of the statutes is amended to read: '
-0956.1	Λ 50.02 (2) (ag) of the statutes is created to read: - ,
-0956.2	Λ 50.035 (3) (a) of the statutes is amended to read: -
-0955.1	Λ 50.04 (6) (c) of the statutes is amended to read: '

-0955.2           ^ 50.04 (6) (d) of the statutes is amended to read: ✓

-0955.3           ^ 50.04 (6) (e) of the statutes is amended to read: ✓

-0955.4           A 50.053 of the statutes is amended to read: ✓

-1054.1           A 252.17 (3) (b) of the statutes is amended to read: ✓

-1054.2           ^ 252.17 (4) (a) of the statutes is amended to read: ✓

-1054.3           A 252.17 (4) (d) of the statutes is created to read: ✓

-1054.4           ^ 252.17 (6) (c) of the statutes is created to read: ✓

-2205.14           ^ 301.12 (1) of the statutes is amended to read: ✓

-2205.15           ^ 301.12 (14) (e) 1. of the statutes is amended to read: ✓

-2205.16           ^ 767.02 (1) (m) of the statutes is amended to read: ✓

-2205.17           ^ 767.30 (1) of the statutes is amended to read: ✓

-2205.18           ^ 767.305 of the statutes is amended to read: ✓

-2205.19           ^ 767.32 (1) (a) of the statutes is amended to read: ✓

-2205.20           A 767.32 (2r) of the statutes is amended to read: ✓

-2205.21           ^ 780.01 (5) of the statutes is amended to read: ✓

-2205.22           ^ 938.30 (6) of the statutes is renumbered 938.30 (6) (a) and amended to ,  
read:

-2205.23           ^ 938.30 (6) (c) of the statutes is created to read: ✓

-2205.24           ^ 938.31 (7) of the statutes is renumbered 938.31 (7) (a) and amended to ✓  
read:

-2205.25           ^ 938.31 (7) (c) of the statutes is created to read: ✓

-2205.26           ^ 938.355 (2) (b) 4m. of the statutes is created to read: ✓

-2205.27           ^ 938.357 (5m) of the statutes is renumbered 938.357 (5m) (a). ✓

-2205.28           ^ 938.357 (5m) (b) of the statutes is created to read: ✓

-2205.29           ^ 938.363 (1) of the statutes is renumbered 938.363 (1) (a) and amended ✓  
to read:

-2205.30           ^ 938.363 (1) (d) of the statutes is created to read: ✓

-2205.3 1           ^ 938.363 (1m) of the statutes is amended to read: ✓

-2205.32           A 938.363 (2) of the statutes is amended to read: ✓

-0952.4           Initial applicability.

-2205.9309           Initial applicability; circuit courts.

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

Reorganized  
according to  
relating clause  
and analysis

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 (4)

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.

- 0955 (2)

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 (5)

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.

- 0967 (10)

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 (9)

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 (1)

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 (8)

- 2 -

8. Repealing a provision relating to the distribution of alcohol and drug abuse treatment program funds in fiscal year 1993-94.

- 2209 (6)

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 (7)

30. 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 recipient<sup>5</sup> or **low-income** persons.

- 0963 (3)

# Legislative Reference Bureau

## *Legislative Draft Compiling Worksheet*

Use this document to generate a list of the lrb numbers for all drafts which should be included in a compiled document. To create this list, follow these steps:

1. Enter the qualifying parameters for the lrb numbers returned. The qualifying parameters include First LRB number, Last LRB Number, *Earliest* Date and *Latest* Date. All LRB numbers returned will be greater than or equal to the *First* LRB number, and less than or equal to the *Last* LRB Number. Additionally, only LRB numbers will be returned for drafts request after or on the *Earliest* date, and Before or on the *Latest* date. If you do not want to limit the query by LRB number or date, use very small ('-0000' or '01/01/1990') or very large (-9999 or '01/01/2020').

\*Note: Dates must be entered in the format 'MM/DD/YYYY'. If you are creating a compile list for amendments, the LRB numbers must be prefixed by an 'a' or 'b' instead of a '-'.

2. Select one of the queries to run. Queries all appear in components named 'Query:XXX' where XXX is an identifier. *Delete all of these components except for the query you wish to run.* The default queries available are:

QueryBill: Returns LRB numbers for Bill Drafts.

QueryDOA: Returns LRB numbers for DOA Bill Drafts.

QueryAmdt: Returns LRB numbers for Amendment Drafts.

QueryLFB: Returns LRB numbers for LFB Amendment Drafts.

The list generated will include the LRB numbers for each document found in the query. The version (slash) numbers will not be returned, nor will an indication as to the session. It is always assumed that the most current version of the draft is desired, and that the drafts should come from the current legislative session. To generate the list based on the query and parameters chosen, save this document with **File->SaveAs->ASCII**; close this document; select this document on the desktop and execute **Tools->Expertdoc->Retrieve**.

After executing the Retrieve, this document can be modified by hand. Any of the lrb numbers in the list can be modified, or the component removed. To add a new LRB number, create a new cmpl:item component and enter the LRB number. The order of the LRB numbers in this list will determine the order of the final relating clause and analysis sections.

To create a list of LRB numbers manually, simply add the lrb numbers desired by creating a cmpl:item for each number as described in the paragraph above. Do not run the Retrieve if the list is created manually.

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Enter *First* LRB Number to retrieve In This **Inline** Component -> -0000

Enter *Last* LRB Number to retrieve in This **Inline** Component -> -9999

Enter *Earliest* Date to retrieve in This **Inline** Component -> **09/01/1998**

Enter *Latest* Date to retrieve in This **Inline** Component -> **01/01/2020**

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*Leave this component in document if you wish to retrieve Bill Drafts*

*Leave this component in document if you wish to retrieve DOA Bill Drafts*

*Leave this component in document if you wish to retrieve Amendments*

*Leave this component in document if you wish to retrieve LFB Amendment Drafts*

- 1054

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- 2209

- 2210

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ORDER OF COMPILE FOR 99-4784

-1054

-0955

-0963

-0952

-0956

-2209

-2210

-2205

-0969

-0967



TODAY 2:00  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-4784/P-1

DAK:Y:ch

cjs

\$ GMM & RJR

PRELIMINARY DRAFT NOT READY FOR INTRODUCTION

WPO: suppress the  
burning dots that  
precede SECTIONS

1 **AN ACT** to ~~amend~~ **46.036** (5m) (b) 3., 46.70 (3) and 46.717; **to renumber 48.357**  
2 (5m) and **938.357** (5m); **to renumber and amend 48.30** (6), 48.31 (7), 48.363  
3 (1), 938.30 (6), 938.31 (7) and **938.363** (1); **to consolidate, renumber and**  
4 **amend 46.70** (1) and (2); **to amend 20.435 (3) (o), 20.435 (7) (o), 46.036** (5m)  
5 (b) 1., 46.036 (5m) (b) 2., 46.10 (1), 46.10 (14) (e) 1., 48.363 (1m), 48.363 (2), 48.57  
6 (3m) (am) 5., 48.57 (3n) (am) 5., 49.45 (3) (e) 4., 50.035 (3) (a), 50.04 (6) (c), 50.04  
7 (6) (d), 50.04 (6) (e), 50.053, 252.17 (3) (b), 252.17 (4) (a), 301.12 (1), 301.12 (14)  
8 (e) 1., 767.02 (1) (m), 767.30 (1), 767.305, 767.32 (1) (a), 767.32 (2r), 780.01 (5),  
9 938.363 (1m) and 938.363 (2); and **to create 48.30 (6)** (c), 48.31 (7) (c), 48.355  
10 (2) (b) 4m., 48.357 (5m) (b), 48.363 (1) (d), 48.75 (lg) (a) 5., 50.02 (2) (ag), 252.17  
11 (4) (d), 252.17 (6) (c), 938.30 (6) (c), 938.31 (7) (c), 938.355 (2) (b) 4m., 938.357  
12 (5m) (b) and 938.363 (1) (d) of the statutes; **relating to:** increasing the family  
13 income that an individual may have to be eligible for the medical leave premium  
14 subsidy program ~~suggested as remedial legislation by the department of~~  
15 ~~health and family services~~; changing the term "informal conference" to "case



conference" for resolution of appeals of alleged violations by certain facilities  
~~(suggested as remedial legislation by the department of health and family services);~~  
 additional medical assistance payments to a hospital that qualifies  
 as a disproportionate share hospital; the amounts of revenues in excess of  
 allowable costs that may be retained by nonprofit providers of rate-based  
 services under contracts with the department of health and family services or  
 with certain county departments ~~(suggested as remedial legislation by the department of health and family services);~~  
 requiring the presence of a manager or his or her agent at certain times in specifically classified community-based  
 residential facilities ~~(suggested as remedial legislation by the department of health and family services);~~  
 funding for fiscal year 1993-94 for pilot alcohol and  
 other drug abuse treatment program for hearing-impaired individuals  
~~(suggested as remedial legislation by the department of health and family services);~~  
 funding for social services and mental hygiene services for American  
 Indians ~~(suggested as remedial legislation by the department of health and family services);~~  
 the provision of financial information by a parent of a child  
 who is placed in substitute care ~~(suggested as remedial legislation by the department of health and family services);~~  
 the licensing of foster homes  
~~(suggested as remedial legislation by the department of health and family services);~~  
 the conditions that must be met for a person to receive kinship care  
 or long-term kinship care payments <sup>3</sup> ~~(suggested as remedial legislation by the department of health and family services);~~  
 and granting rule-making authority

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**Analysis by the Legislative Reference Bureau**

\*\*\* ANALYSIS FROM -1054/P1 \*\*\*

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.

**\*\*\* ANALYSIS FROM -0955/P1 \*\*\***

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.

~~not~~ 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.

**\*\*\* ANALYSIS FROM -0963/P1 \*\*\***

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.

~~not~~ 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.

~~not~~ 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.

**\*\*\* ANALYSIS FROM -0952/P1 \*\*\***

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.

~~not~~ This bill changes the basis for calculating limits on amounts of revenues 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.

**\*\*\* ANALYSIS FROM -0956/P1 \*\*\***

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.

~~not~~ This bill eliminates reference to "Class B" community-based residential facilities in provisions that require the manager's or his or her agent's presence in the facility. The bill requires that DHFS define "Class A" and "Class C" community-based residential facilities by rule.

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

**\*\*\* ANALYSIS FROM -2209/P1 \*\*\***

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. DHFS 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 of funding for 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.

**\*\*\* ANALYSIS FROM -2210/P1 \*\*\***

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. ✓

~~and~~ @his 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.

**\*\*\* ANALYSIS FROM -2205/P1 \*\*\***

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

the

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. Y

<sup>not</sup> 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.

**\*\*\* ANALYSIS FROM 0969/P1 \*\*\***

<sup>DHFS</sup> 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.

**\*\*\* ANALYSIS FROM 0967/P1 \*\*\***

Under current law, certain relatives of a child who provide care and maintenance for the child are eligible for payments in the amount of \$2 15 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~~ <sup>DHFS</sup> 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.

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

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

***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.

ELIMINATE  
SPACE →

~~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 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.

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.

3. 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.

4. 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.

5. 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.

6. Repealing a provision relating to the distribution of alcohol and drug abuse treatment program funds in fiscal year 1993-94.

7. 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.

8. 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.

9. 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.

10. Changing kinship care laws to require the kinship care relative or long-term kinship care relative to cooperate with the county agency or DHF'S, including applying for other forms of assistance for which a child in kinship care may be eligible.

1       **\*-2210/P1.1\*** 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       **\*-2210/P1.2\*** 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)  
17 (b) or 46.031 or directly to counties in accordance with federal requirements for the  
18 disbursal of federal funds.

19       **\*-0952/P1.1\*** SECTION 3. 46.036 (5m) (b) 1. of the statutes is amended to read:

20       46.036 (5m) (b) 1. Subject to ~~subds. 2. and 3.~~ subd. 2., if revenue under a  
21 contract for the provision of a rate-based service exceeds allowable costs incurred in  
22 the contract period, the provider may retain from the surplus generated by that

1 rate-based service up to 5% of the revenue received under the contract ~~amount~~. A  
2 provider that retains a surplus under this subdivision shall use that retained surplus  
3 to cover a deficit between revenue and allowable costs incurred in any preceding or  
4 future contract period for the same rate-based service that generated the surplus or  
5 to address the programmatic needs of clients served by the same ~~rate-based~~ service  
6 that generated the surplus.

7 **\*-0952/P1.2\*** SECTION 4. 46.036 (5m) (b) 2. of the statutes is amended to read:

8 46.036 **(5m)** (b) 2. ~~Subject to subd. 3., a~~ A provider may accumulate funds from  
9 more than one contract period under this paragraph, except that, if at the end of a  
10 contract period the amount accumulated from all contract periods for a rate-based  
11 service exceeds 10% of the ~~amount of~~ revenue received under all current contracts  
12 for that rate-based service, the provider shall, at the request of a purchaser, return  
13 to that purchaser the purchaser's proportional share of that excess and use any of  
14 that excess that is not returned to a purchaser to reduce the provider's unit rate per  
15 client for that rate-based service in the next contract period. If a provider has held  
16 for 4 consecutive contract periods an accumulated reserve for a rate-based service  
17 that is equal to or exceeds 10% of the ~~amount of~~ revenue received under all current  
18 contracts for that rate-based service, the provider shall apply 50% of that  
19 accumulated amount to reducing its unit rate per client for that rate-based service  
20 in the next contract period.

21 **\*-0952/P1.3\*** SECTION 5. 46.036 (5m) (b) 3. of the statutes is repealed.

22 **\*-2205/P1.1\*** SECTION 6. 46.10 (1) of the statutes is amended to read:

23 46.10 **(1)** Liability and the collection and enforcement of such liability for the  
24 care, maintenance, services and supplies specified in this section is governed



exclusively by this section, except in cases of child support ordered by a court under s. 48.355 (2) (b) 4., 48.357 (5m) (a) or 48.363 (2) or ch. 767.

**\*-2205/P1.2\*** SECTION 7. 46.10 (14) (e) 1. of the statutes is amended to read:

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

as affected by 1999 Wisconsin Act 9,

**\*-2210/P1.3\*** SECTION 8. 46.70 (1) and (2) of the statutes are consolidated, renumbered 46.70 and amended to read:

**46.70 Delivery of services to American Indians.** To facilitate the delivery of accessible, available and culturally appropriate social services and mental hygiene services to American Indians by county departments under s. 46.215, 46.22, 51.42 or 51.437, the department may fund federally recognized tribal governing bodies. ~~(2) From the appropriations in this state from the appropriation under s. 20.435 (7) and (c), the department may make available to any of the 11 federally recognized tribal governing bodies in this state funds for the purposes stated in sub. (1). Beginning July 1, 1991, and ending September 30, 1991, the department may award to each tribal governing body up to \$6,800. Beginning October 1, 1991, and ending September 30, 1992, the department may award to each tribal governing body up to \$27,200. Beginning October 1, 1992, and ending June 30, 1993, the department may award to each tribal governing body up to \$20,400. Receipt of funds~~

(k L)

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~~is contingent upon department approval of an application submitted by a tribal governing body. The department may partially approve any application and provide only part of the funds requested. Each application shall contain a plan for expenditure of funds, consistent with the purposes stated in sub. (1).~~

**\*-2210/P1.4\*** SECTION 9. 46.70 (3) of the statutes is repealed.

**\*-2209/P1.1\*** SECTION 10. 46.717 of the statutes is repealed.

**\*-2205/P1.3\*** SECTION 11. 48.30 (6) of the statutes is renumbered 48.30 (6) (a) and amended to read:

48.30 (6) (a) 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 after the plea hearing for a child who is held in secure custody and no more than 30 days after the plea hearing for a child or an expectant mother who is not held in secure custody. If all parties consent the court may proceed immediately with the dispositional hearing.

(b) 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 workforce development under s. 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.

1 ~~**46.10 (14)** (c). If all parties consent the court may proceed immediately with the~~  
2 ~~dispositional hearing.~~

3 **\*-2205/P1.4\* SECTION 12.** 48.30 (6) (c) of the statutes is created to read:

4 48.30 (6) (c) If the court orders the child's parent to provide a statement of  
5 income, assets, debts and living expenses to the court or if the court orders the child's  
6 parent to provide that statement to the designated agency under s. 48.33 (1) and that  
7 designated agency is not the county department or, in a county having a population  
8 of 500,000 or more, the department, the court shall also order the child's parent to  
9 provide that statement to the county department or, in a county having a population  
10 of 500,000 or more, the department at least 5 days before the scheduled date of the  
11 dispositional hearing or as otherwise ordered by the court. The county department  
12 or, in a county having a population of 500,000 or more, the department shall provide,  
13 without charge, to the parent a form on which to provide that statement, and the  
14 parent shall provide that statement on that form. The county department or, in a  
15 county having a population of 500,000 or more, the department shall use the  
16 information provided in the statement to determine whether the department may  
17 claim federal foster care and adoption assistance reimbursement under 42 USC 670  
18 to 679a for the cost of providing care for the child.

19 **\*-2205/P1.5\* SECTION 13.** 48.31 (7) of the statutes is renumbered 48.31 (7) (a)  
20 and amended to read:

21 48.31 (7) (a) At the close of the fact-finding hearing, the court shall set a date  
22 for the dispositional hearing which allows a reasonable time for the parties to  
23 prepare but is no more than 10 days after the fact-finding hearing for a child in  
24 secure custody and no more than 30 days after the fact-finding hearing for a child

1 or expectant mother who is not held in secure custody. If all parties consent, the court  
2 may immediately proceed with a dispositional hearing.

3 (b) If it appears to the court that disposition of the case may include placement  
4 of the child outside the child's home, the court shall order the child's parent to provide  
5 a statement of income, assets, debts and living expenses to the court or the  
6 designated agency under s. 48.33 (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 the  
11 manner of its application established by the department of health and family  
12 services under s. 46.247 and listing the factors that a court may consider under s.  
13 46.10 (14) (c). ~~If all parties consent, the court may immediately proceed with a~~  
14 ~~dispositional hearing.~~

15 **\*-2205/P1.6\* SECTION 14.** 48.31 (7) (c) of the statutes is created to read:

16 48.31 (7) (c) If the court orders the child's parent to provide a statement of  
17 income, assets, debts and living expenses to the court or if the court orders the child's  
18 parent to provide that statement to the designated agency under s. 48.33 (1) and that  
19 designated agency is not the county department or, in a county having a population  
20 of 500,000 or more, the department, the court shall also order the child's parent to  
21 provide that statement to the county department or, in a county having a population  
22 of 500,000 or more, the department at least 5 days before the scheduled date of the  
23 dispositional hearing or as otherwise ordered by the court. The county department  
24 or, in a county having a population of 500,000 or more, the department shall provide,  
25 without charge, to the parent a form on which to provide that statement, and the

1 parent shall provide that statement on that form. The county department or, in a  
2 county having a population of 500,000 or more, the department shall use the  
3 information provided in the statement to determine whether the department may  
4 claim federal foster care and adoption assistance reimbursement under 42 USC 670  
5 to 679a for the cost of providing care for the child.

6 **\*-2205/P1.7\*** SECTION 15. 48.355 (2) (b) 4m. of the statutes is created to read:

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

20 **\*-2205/P1.8\*** SECTION 16. 48.357 (5m) of the statutes is renumbered 48.357  
21 (5m) (a).

22 **\*-2205/P1.9\*** SECTION 17. 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 **\*-2205/P1.10\*** SECTION 18. 48.363 (1) of the statutes is renumbered 48.363 (1)  
14 (a) and 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 disnositional 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 any 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 **\*-2205/P1.11\*** SECTION 19. 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 **\*-2205/P1.12\*** SECTION 20. 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 **\*-2205/P1.13\*** SECTION 21. 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 **\*-0967/P1.1\*** SECTION 22. 48.57 (3m) (am) 5. of the statutes is amended to  
16 read:

17 48.57 ( 3m ) (am) 5. The kinship care relative cooperates with the county  
18 department or department in the application process, including applying for other  
19 forms of assistance for which the ~~kinship care relative~~ child may be eligible.

20 **\*-0967/P1.2\*** SECTION 23. 48.57 (3n) (am) 5. of the statutes is amended to read:

21 48.57 ( 3n ) (am) 5. The long-term kinship care relative cooperates with the  
22 county department or department in the application process, including applying for  
23 other forms of assistance for which the ~~long-term kinship care relative~~ child may be  
24 eligible.

25 **\*-0969/P1.1\*** SECTION 24. 48.75 (lg) (a) 5. of the statutes is created to read:

1           48.75 (1g) (a) 5. The public licensing agency of the county in which the  
2           prospective foster home is located requests the public licensing agency of another  
3           county to license the foster home.

4           **\*-0963/P1.1\*** SECTION 25. 49.45 (3) (e) 4. of the statutes is amended to read:

5           49.45 (3) (e) 4. If the department maintains a retrospective reimbursement  
6           system under subd. 1. for specific provided services or commodities, total  
7           reimbursement for allowable services, care or commodities provided recipients  
8           during the hospital's fiscal year may not exceed the lower of the hospital's charges  
9           for the services or the actual and reasonable allowable costs to the hospital of  
10          providing the services, plus any disproportionate share funding that the hospital is  
11          qualified to receive under 42 USC 1396r-4.

12          **\*-0956/P1.1\*** SECTION 26. 50.02 (2) (ag) of the statutes is created to read:

13          50.02 (2) (ag) The department shall, by rule, define "Class A" and "Class C"  
14          community-based residential facilities for the purposes of s. 50.035 (3).

15          **\*-0956/P1.2\*** SECTION 27. 50.035 (3) (a) of the statutes is amended to read:

16          50.035 (3) (a) The person responsible for managing a Class C  
17          community-based residential facility, or that person's agent, shall be present in the  
18          facility at any time that residents are in the facility. The person responsible for  
19          managing a Class A ~~or a Class B~~ community-based residential facility, or that  
20          person's agent, shall be present in the facility from 7 p.m. to 7 a.m. when residents  
21          are in the facility ~~and the person responsible for managing a Class B~~  
22          ~~community-based residential facility, or that person's agent, shall be readily~~  
23          ~~available to the residents of the facility from 7 a.m. to 7 p.m. In this subsection,~~  
24          ~~"Class A, B and C community-based residential facilities" have the meanings~~  
25          ~~provided in s. HSS 3.41 (1), Wis. adm. code.~~

1           **\*-0955/P1.1\*** SECTION 28. 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           **\*-0955/P1.2\*** SECTION 29. 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 in 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           **\*-0955/P1.3\*** SECTION 30. 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  
23 department shall hold the hearing within 30 days of receipt of such notice and shall  
24 immediately notify the licensee of the date and location of the hearing.

25           **\*-0955/P1.4\*** SECTION 31. 50.053 of the statutes is amended to read:

1           50.053 ~~Informal~~ Case conference. The department may hold ~~an informal~~  
2    a case conference with the parties to any contested action under this subchapter to  
3    resolve any or all issues prior to formal hearing. Unless any party to the contested  
4    case objects, the department may delay the commencement of the formal hearing in  
5    order to hold the ~~informal case~~ case conference.

6           **\*-1054/P1.1\*** SECTION 32. 252.17 (3) (b) of the statutes is amended to read:

7           252.17 (3) (b) Has a family income, as defined by rule under sub. (6), that does  
8    not exceed ~~200%~~ 300% of the federal poverty line, as defined under 42 USC 9902 (2),  
9    for a family the size of the individual's family.

10          **\*-1054/P1.2\*** SECTION 33. 252.17 (4) (a) of the statutes is amended to read:

11          252.17 (4) (a) Except as provided in pars. (b) ~~and~~, (c) ~~and~~ (d), if an individual  
12    satisfies sub. (3), the department shall pay the amount of each premium payment for  
13    coverage under the group health plan under sub. (3) (d) that is due from the  
14    individual on or after the date on which the individual becomes eligible for a subsidy  
15    under sub. (3). The department may not refuse to pay the full amount of the  
16    individual's contribution to each premium payment because the coverage that is  
17    provided to the individual who satisfies sub. (3) includes coverage of the individual's  
18    spouse and dependents. Except as provided in par. (b), the department shall  
19    terminate the payments under this section when the individual's unpaid medical  
20    leave ends, when the individual no longer satisfies sub. (3) or upon the expiration of  
21    29 months after the unpaid medical leave began, whichever occurs first.

22          **\*-1054/P1.3\*** SECTION 34. 252.17 (4) (d) of the statutes is created to read:

23          252.17 (4) (d) For an individual who satisfies sub. (3) and who has a family  
24    income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed  
25    300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the

1 size of the individual's family, the department shall pay a portion of the amount of  
2 each premium payment for the individual's coverage under the group health plan  
3 under sub. (3) (d). The portion that the department pays shall be determined  
4 according to a schedule established by the department by rule under sub. (6) (c). The  
5 department shall pay the portion of the premium determined according to the  
6 schedule regardless of whether the individual's coverage under the group health  
7 plan under sub. (3) (d) includes coverage of the individual's spouse and dependents.

8 **\*-1054/P1.4\*** SECTION 35. 252.17 (6) (c) of the statutes is created to read:

9 252.17 (6) (c) Establish a premium contribution schedule for individuals who  
10 have a family income, as defined by rule under par. (a), that exceeds 200% but does  
11 not exceed 300% of the federal poverty line, as defined under 42 USC 9902 (2), for  
12 a family the size of the individual's family. In establishing the schedule under this  
13 paragraph, the department shall take into consideration both income level and  
14 family size.

15 **\*-2205/P1.14\*** SECTION 36. 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 **\*-2205/P1.15\*** SECTION 37. 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 **\*-2205/P1.16\* SECTION 38.** 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 **\*-2205/P1.17\* SECTION 39.** 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 **\*-2205/P1.18\* SECTION 40.** 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 **\*-2205/P1.19\*** SECTION 41. 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 (2) (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 **\*-2205/P1.20\* SECTION 42.** 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 **\*-2205/P1.21\* SECTION 43.** 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 **\*-2205/P1.22\* SECTION 44.** 938.30 (6) of the statutes is renumbered 938.30 (6)

19 (a) and 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 narties 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 \***-2205/P1.23\*** SECTION 45. 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 **\*-2205/P1.24\* SECTION 46.** 938.31 (7) of the statutes is renumbered 938.31 (7)  
4 (a) and 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 **\*-2205/P1.25\* SECTION 47.** 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 **\*-2205/P1.26\*** SECTION 48. 938.355 (2) (b) 4m. of the statutes is created to  
10 read:

11 938.355 (2) (b) 4m. If the juvenile is placed outside the home and if the  
12 juvenile's parent has not already provided a statement of income, assets, debts and  
13 living expenses to the county department under s. 938.30 (6) (b) or (c) or 938.31 (7)  
14 (b) or (c), an order for the parent to provide that statement to the county department  
15 by a date specified by the court. The county department shall provide, without  
16 charge, to the parent a form on which to provide that statement, and the parent shall  
17 provide that statement on that form. The county 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 juvenile.

21 **\*-2205/P1.27\*** SECTION 49. 938.357 (5m) of the statutes is renumbered  
22 938.357 (5m) (a).

23 **\*-2205/P1.28\*** SECTION 50. 938.357 (5m) (b) of the statutes is created to read:

24 938.357 (**5m**)(b) If the court orders the juvenile's parent to provide a statement  
2 5 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 **\*-2205/P1.29\*** SECTION 51. 938.363 (1) of the statutes is renumbered 938.363  
12 (1) (a) and amended to read:

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

1 written waivers of objections to the revision are signed by all parties entitled to  
2 receive notice and the court approves.

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

13 (c) If the proposed revision is for a change in the amount of child support to be  
14 paid by a parent, the court shall order the juvenile's parent to provide a statement  
15 of income, assets, debts and living expenses to the court and the person or agency  
16 primarily responsible for implementing the dispositional order by a date specified by  
17 the court. The clerk of court shall provide, without charge, to any parent ordered to  
18 provide a statement of income, assets, debts and living expenses a document setting  
19 forth the percentage standard established by the department of workforce  
20 development under s. 49.22 (9) and listing the factors that a court may consider  
21 under s. 46.10 (14) (c). ~~If all parties consent, the court may proceed immediately with~~  
22 ~~the hearing. No revision may extend the effective period of the original order, or~~  
23 ~~revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than 30 days~~  
24 ~~of detention, nonsecure custody or inpatient treatment on a juvenile.~~

25 **\*-2205/P1.30\*** SECTION 52. 938.363 (1) (d) of the statutes is created to read:

1 hearing is held solely on the basis of receiving that notice and opportunity to be  
2 heard.

3 **\*-2205/P1.32\*** SECTION 54. 938.363 (2) of the statutes is amended to read:

4 938.363 (2) If the court revises a dispositional order ~~under sub. (1)~~ with respect  
5 to the amount of child support to be paid by a parent for the care and maintenance  
6 of the parent's minor juvenile who has been placed by a court order under this  
7 chapter in a residential, nonmedical facility, the court shall determine the liability  
8 of the parent in the manner provided in s. 46.10 (14).

9 **\*-0952/P1.4\*** SECTION ~~53~~ <sup>9323</sup> **Initial applicability.**

10 (X) This act first applies to contracts under section 46.036 of the statutes to  
11 provide client services on the basis of a unit rate per client service that are initially  
12 entered into or renewed on the effective date of this subsection.

**\*-2205/P1.9309\*** SECTION 9309. **Initial applicability; circuit courts.**

13 14 (X) FINANCIAL INFORMATION REGARDING CHILD IN SUBSTITUTE CARE. The treatment  
15 of sections 46.10 (1) and (14) (e) l., 48.355 (2) (b) 4m., 48.363 (1m) and (2), 301.12 (1)  
16 and (14) (e) l., 767.02 (1) (m), 767.30 (l), 767.305, 767.32 (1) (a) and (2r), 780.01 (5),  
17 938.355 (2) (b) 4m. and 938.363 (1m) and (2) of the statutes, the renumbering of  
18 sections 48.357 (5m) and 938.357 (5m) of the statutes, the renumbering and  
19 amendment of sections 48.30 (6), 48.31 (7), 48.363 (l), 938.30 (6), 938.31 (7) and  
20 938.363 (1) of the statutes and the creation of sections 48.30 (6) (c), 48.31 (7) (c),  
21 48.357 (5m) (b), 48.363 (1) (d), 938.30 (6) (c), 938.31 (7) (c), 938.357 (5m) (b) and  
22 938.363 (1) (d) of the statutes first apply to orders of the juvenile court entered on the  
23 effective date of this subsection.

24 (END)

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# 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: 03/20/2000

To: Legislative Council - LRC

Relating to LRB drafting number: LRB-4784

### Topic

Remedial legislation proposals in health and human services

### Subject(s)

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

1. **JACKET** the draft for introduction

*John Bore for LAW REVISION*

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.

Debora A. Kennedy, Managing Attorney  
Telephone: (608) 266-0137