

2001 SENATE BILL 481

February 28, 2002 – Introduced by Senator GEORGE. Referred to Joint Committee on Retirement Systems.

1 **AN ACT** *to amend* 13.94 (4) (a) 1., 13.94 (4) (b), 17.13 (intro.), 19.32 (1), 19.82 (1),
2 25.50 (1) (d), 40.02 (28), 40.02 (36), 46.24, 46.261 (1) (a), 46.261 (2) (a) 3., 48.069
3 (2), 48.07 (3), 48.195 (2) (d) 2., 48.227 (1), 48.345 (4) (bm), 48.355 (2b), 48.375
4 (4) (a) 1., 48.375 (4) (b) 1m., 48.375 (4) (b) 3., 48.375 (7) (f), 48.38 (1) (a), 48.40
5 (1), 48.428 (2) (a), 48.428 (2) (b), 48.43 (7), 48.48 (17) (a) 3., 48.48 (17) (a) 11.,
6 48.62 (1) (a), 48.62 (1) (b), 48.62 (2), 48.62 (3), 48.627 (2) (a), 48.627 (2) (b), 48.627
7 (2) (d), 48.63 (1), 48.64 (1), 48.64 (1r), 48.64 (4) (a), 48.685 (2) (am) (intro.),
8 48.685 (2) (am) 5., 48.685 (2) (bb), 48.685 (2) (bd), 48.685 (2) (bm), 48.685 (3) (a),
9 48.685 (3m), 48.685 (4m) (a) (intro.), 48.685 (4m) (ad), 48.685 (5) (a), 48.685 (5c)
10 (b), 48.685 (5m), 48.685 (6) (a), 48.685 (8), 48.75 (1b), 48.78 (1), 48.78 (2) (c),
11 48.825 (3) (a), 48.825 (3) (d), 48.831 (2), 48.831 (4) (e), 48.832, 48.833, 48.837 (4)
12 (c), 48.837 (4) (d), 48.837 (6) (d), 48.839 (1) (d), 48.839 (4) (a), 48.839 (4) (b), 48.88
13 (2) (a) 2., 48.88 (2) (c), 48.89 (1), 48.89 (3), 48.95, 48.981 (1) (ag), 48.981 (3) (a),
14 48.981 (3) (c) 2. a., 48.981 (3) (c) 2m. a., 48.981 (3) (c) 3., 48.981 (3) (c) 4., 48.981

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1 (3) (c) 5m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3) (cm), 48.981 (3) (d), 48.981
2 (5), 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m., 48.981 (7) (a) 13., 48.981
3 (7) (a) 15., 48.981 (8) (a), 48.981 (8) (c), 66.0301 (1) (a), 69.30 (2), 70.11 (2), 71.26
4 (1) (b), 101.01 (4), 102.01 (2) (d), 102.04 (1) (a), 103.001 (6), 111.70 (1) (j), 118.17,
5 632.896 (1) (c) 1., 767.001 (2) (b), 767.24 (3) (a), 809.105 (13), 938.355 (2b),
6 985.01 (1g) and 985.01 (3); **to repeal and recreate** 40.02 (28); and **to create**
7 17.13 (5), 17.27 (3p), 48.427 (3m) (a) 3m., 48.562, 48.685 (6) (b) 2m., 48.831 (1m)
8 (bm), 48.831 (4) (b) 4., 48.977 (4) (a) 7m., 69.30 (1) (bg) and 632.745 (6) (a) 2p.
9 of the statutes; **relating to:** the creation of a Milwaukee County child welfare
10 district to contract with the department of health and family services to provide
11 child welfare services in Milwaukee County.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) provides child welfare services in a county having a population of 500,000 or more (Milwaukee County). Those services include such services as receiving and investigating reports of suspected or threatened child abuse or neglect, referring children to the court assigned to exercise jurisdiction under the Children's Code (juvenile court), providing intake and dispositional services for the juvenile court, providing appropriate protection or services for children and their families, licensing and placing children in foster homes, and placing children for adoption.

This bill authorizes the county board of supervisors of Milwaukee County to create a special purpose district that is termed the "Milwaukee County child welfare district" (district). Under the bill, the district is a local unit of government that is separate and distinct from the state and the county. The primary purpose of the district is to provide, under contract with DHFS, child welfare services in Milwaukee County. The district is governed by a board consisting of 15 members who are appointed for five-year terms by the county executive. Board members must be residents of Milwaukee County, and at least one-fourth of the members must be representative of the client groups whom it is the district's primary purpose to serve or the family members, guardians, or other advocates of the children and families that are served by the district. Members of the board must reflect the ethnic and economic diversity of Milwaukee County, and no member may be an elected or appointed official or an employee of Milwaukee County or have a private financial interest in or profit from any contract or other business of the district.

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The bill authorizes the district to provide, under contract with DHFS, child welfare services and to exercise all of the powers of DHFS relating to the provision of child welfare services in Milwaukee County that DHFS, by contract, authorizes the district to exercise. In addition, the bill grants to the district the powers to adopt and alter an official seal; adopt bylaws, policies, and procedures to regulate its affairs; sue and be sued; negotiate and enter into leases and contracts; provide services to children and families, in addition to the services funded under the contract with DHFS; acquire, construct, equip, maintain, improve, and manage facilities necessary to provide child welfare services; employ agents, employees, or special advisers, fix and regulate their compensation, and provide employee benefits; mortgage, pledge, or otherwise encumber the district's property or funds; buy, sell, or lease property and maintain or dispose of it; create a risk reserve or special reserve, including as DHFS requires by contract; accept aid; and make instruments necessary to exercise its powers. In addition, the district may invest funds in an interest-bearing escrow account, in time deposits with a maturity of not more than two years, and in federal bonds or securities. The district may not, however, issue bonds or levy a tax or assessment.

Under the bill, the district board must appoint a director, who must manage the district's property, business, and employees, direct enforcement of the board's policies, and perform any other additional duties as prescribed by the board. The district board must also develop and implement a personnel structure and other employment policies. If the district hires an employee who formerly was an employee of Milwaukee County to perform the same or substantially similar functions that the employee previously performed, the district board must do the following:

1. For an employee whose wages, hours, and conditions of employment were established in a collective bargaining agreement with the county that is in effect on the date on which the individual commences employment with the district, abide by the terms of the collective bargaining agreement concerning the individual's compensation and benefits until the expiration of that collective bargaining agreement or the adoption of a collective bargaining agreement with the district covering the individual as an employee of the district, whichever occurs first.

2. For an employee whose wages, hours, and conditions of employment were not established in a collective bargaining agreement with the county that is in effect on the date on which the individual commences employment with the district, initially provide that individual the same compensation and benefits that the individual received while employed by the county.

3. Recognize all years of service that the individual had with the county for any benefit provided or program operated by the district for which an employee's years of service may affect the provision of the benefit or the operation of the program.

The county board that created the district must do all the following:

1. Provide that district employees are eligible to participate in the county retirement system.

2. Provide that district employees are eligible to receive health care coverage under any county health insurance plan that is offered to county employees.

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3. Provide that district employees are eligible to participate in any deferred compensation or other benefit plan offered by the county to county employees, including disability and long-term care insurance coverage and income continuation insurance coverage.

The bill specifies that certain laws apply to the district. Specifically, under the bill, the district:

1. Must comply with the open records laws, except that the district may not disclose information about a person in the care of the district unless permitted to under an exception to the confidentiality requirements of the Children's Code.

2. Must comply with the open meetings laws.

3. Is subject to auditing by the legislative audit bureau and review of the district's performance by the joint legislative audit committee.

4. Is an employer for all purposes of the municipal employment relations laws; as such, employees of the district may organize and seek to establish wages, hours, and conditions of employment through collective bargaining.

5. May participate in the local government pooled-investment fund.

6. May contract with municipalities and federally recognized American Indian tribes and bands in this state for the receipt or furnishing of services or the joint exercise of required or authorized powers or duties.

7. Is exempt from local property tax and state income tax.

8. May participate in programs of state retirement, health and long-term care benefits, disability benefits and survivor benefits, deferred compensation plans, employee-funded reimbursement accounts, and health insurance premium credits and be included as a coverage group under the federal Social Security Act.

9. Is an "employer" for the purposes of coverage for group and individual health benefits and for small employer health insurance.

10. Is a "municipality" for the purposes of laws relating to the publication of legal notices.

Finally, under the bill, obligations and debts of the district are not the obligations or debts of the county that created the district. The district may be dissolved by joint action of the district board and the county board that created the district, subject to performance of its contractual obligations and approval by the secretary of health and family services.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

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:

1 **SECTION 1.** 13.94 (4) (a) 1. of the statutes, as affected by 2001 Wisconsin Act 16,
2 is amended to read:

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1 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
2 credentialing board, commission, independent agency, council, or office in the
3 executive branch of state government; all bodies created by the legislature in the
4 legislative or judicial branch of state government; any public body corporate and
5 politic created by the legislature including specifically the Fox River Navigational
6 System Authority, a professional baseball park district, a local professional football
7 stadium district, a local cultural arts district ~~and~~, a family care district under s.
8 46.2895, and the Milwaukee County child welfare district under s. 48.562; every
9 Wisconsin works agency under subch. III of ch. 49; every provider of medical
10 assistance under subch. IV of ch. 49; technical college district boards; development
11 zones designated under s. 560.71; every county department under s. 51.42 or 51.437;
12 every nonprofit corporation or cooperative to which moneys are specifically
13 appropriated by state law; and every corporation, institution, association, or other
14 organization ~~which~~ that receives more than 50% of its annual budget from
15 appropriations made by state law, including subgrantee or subcontractor recipients
16 of such funds.

17 **SECTION 2.** 13.94 (4) (b) of the statutes is amended to read:

18 13.94 (4) (b) In performing audits of family care districts under s. 46.2895, the
19 Milwaukee County child welfare district under s. 48.562, Wisconsin works agencies
20 under subch. III of ch. 49, providers of medical assistance under subch. IV of ch. 49,
21 corporations, institutions, associations, or other organizations, and their
22 subgrantees or subcontractors, the legislative audit bureau shall audit only the
23 records and operations of such providers and organizations which pertain to the
24 receipt, disbursement, or other handling of appropriations made by state law.

25 **SECTION 3.** 17.13 (intro.) of the statutes is amended to read:

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1 **17.13 Removal of village, town, town sanitary district, school district,**
2 **technical college and district, family care district, and Milwaukee County**
3 **child welfare district officers.** (intro.) Officers of towns, town sanitary districts,
4 villages, school districts, technical college districts, and family care districts and of
5 the Milwaukee County child welfare district may be removed as follows:

6 **SECTION 4.** 17.13 (5) of the statutes is created to read:

7 17.13 **(5)** APPOINTIVE OFFICERS OF THE MILWAUKEE COUNTY CHILD WELFARE
8 DISTRICT. Any member of the Milwaukee County child welfare district board
9 appointed under s. 48.562 (3) (a), by the appointing authority for cause.

10 **SECTION 5.** 17.27 (3p) of the statutes is created to read:

11 17.27 **(3p)** MILWAUKEE COUNTY CHILD WELFARE DISTRICT BOARD. If a vacancy
12 occurs in the position of any appointed member of the Milwaukee County child
13 welfare district board, the appointing authority shall appoint to serve for the residue
14 of the unexpired term a person who meets the applicable requirements under s.
15 48.562 (3) (b).

16 **SECTION 6.** 19.32 (1) of the statutes is amended to read:

17 19.32 **(1)** “Authority” means any of the following having custody of a record: a
18 state or local office, elected official, agency, board, commission, committee, council,
19 department, or public body corporate and politic created by constitution, law,
20 ordinance, rule, or order; a governmental or quasi-governmental corporation except
21 for the Bradley center sports and entertainment corporation; a local exposition
22 district under subch. II of ch. 229; a family care district under s. 46.2895; the
23 Milwaukee County child welfare district under s. 48.562; any court of law; the
24 assembly or senate; a nonprofit corporation ~~which~~ that receives more than 50% of its
25 funds from a county or a municipality, as defined in s. 59.001 (3), and ~~which~~ that

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1 provides services related to public health or safety to the county or municipality; a
2 nonprofit corporation operating the Olympic ice training center under s. 42.11 (3);
3 or a formally constituted subunit of any of the foregoing.

4 **SECTION 7.** 19.82 (1) of the statutes is amended to read:

5 19.82 (1) “Governmental body” means a state or local agency, board,
6 commission, committee, council, department, or public body corporate and politic
7 created by constitution, statute, ordinance, rule, or order; a governmental or
8 quasi-governmental corporation except for the Bradley center sports and
9 entertainment corporation; a local exposition district under subch. II of ch. 229; a
10 family care district under s. 46.2895; the Milwaukee County child welfare district
11 under s. 48.562; a nonprofit corporation operating the Olympic ice training center
12 under s. 42.11 (3); or a formally constituted subunit of any of the foregoing, but
13 excludes any such body or committee or subunit of such body which that is formed
14 for or meeting for the purpose of collective bargaining under subch. I, IV, or V of ch.
15 111.

16 **SECTION 8.** 25.50 (1) (d) of the statutes is amended to read:

17 25.50 (1) (d) “Local government” means any county, town, village, city, power
18 district, sewerage district, drainage district, town sanitary district, public inland
19 lake protection and rehabilitation district, local professional baseball park district
20 created under subch. III of ch. 229, family care district under s. 46.2895, local
21 professional football stadium district created under subch. IV of ch. 229, local
22 cultural arts district created under subch. V of ch. 229, public library system, school
23 district, or technical college district in this state, the Milwaukee County child welfare
24 district under s. 48.562, any commission, committee, board, or officer of any
25 governmental subdivision of this state, any court of this state, other than the court

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1 of appeals or the supreme court, or any authority created under s. 231.02, 233.02, or
2 234.02.

3 **SECTION 9.** 40.02 (28) of the statutes is amended to read:

4 40.02 (28) “Employer” means the state, including each state agency, any
5 county, city, village, town, school district, other governmental unit, or
6 instrumentality of 2 or more units of government now existing or hereafter created
7 within the state, any federated public library system established under s. 43.19
8 whose territory lies within a single county with a population of 500,000 or more, a
9 local exposition district created under subch. II of ch. 229 ~~and~~, a family care district
10 created under s. 46.2895, and the Milwaukee County child welfare district created
11 under s. 48.562, except as provided under ss. 40.51 (7) and 40.61 (3) and subch. X.
12 “Employer” does not include a local cultural arts district created under subch. V of
13 ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.

14 **SECTION 10.** 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65,
15 section 12, and 2001 Wisconsin Act ... (this act), is repealed and recreated to read:

16 40.02 (28) “Employer” means the state, including each state agency, any
17 county, city, village, town, school district, other governmental unit, or
18 instrumentality of 2 or more units of government now existing or hereafter created
19 within the state, any federated public library system established under s. 43.19
20 whose territory lies within a single county with a population of 500,000 or more, a
21 local exposition district created under subch. II of ch. 229, a family care district
22 created under s. 46.2895, and the Milwaukee County child welfare district created
23 under s. 48.562, except as provided under ss. 40.51 (7) and 40.61 (3). “Employer” does
24 not include a local cultural arts district created under subch. V of ch. 229. Each
25 employer shall be a separate legal jurisdiction for OASDHI purposes.

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1 **SECTION 11.** 40.02 (36) of the statutes is amended to read:

2 40.02 **(36)** “Governing body” means the legislature or the head of each state
3 agency with respect to employees of that agency for the state, the common council
4 in cities, the village board in villages, the town board in towns, the county board in
5 counties, the school board in school districts, or the board, commission, or other
6 governing body having the final authority for any other unit of government, for any
7 agency or instrumentality of 2 or more units of government, for any federated public
8 library system established under s. 43.19 whose territory lies within a single county
9 with a population of 500,000 or more, for a local exposition district created under
10 subch. II of ch. 229 or, for a family care district created under s. 46.2895, or for the
11 Milwaukee County child welfare district created under s. 48.562, but does not
12 include a local cultural arts district created under subch. V of ch. 229.

13 **SECTION 12.** 46.24 of the statutes is amended to read:

14 **46.24 Assistance to minors concerning parental consent for abortion.**
15 If a minor who is contemplating an abortion requests assistance from a county
16 department under s. 46.215, 46.22, or 46.23 or the Milwaukee County child welfare
17 district in seeking the consent of the minor’s parent, guardian, or legal custodian, or
18 in seeking the consent of an adult family member, as defined in s. 48.375 (2) (b), for
19 the contemplated abortion or in seeking a waiver from the circuit court, the county
20 department or child welfare district shall provide assistance, including, if so
21 requested, accompanying the minor as appropriate.

22 **SECTION 13.** 46.261 (1) (a) of the statutes is amended to read:

23 46.261 **(1)** (a) The child is living in a foster home or treatment foster home
24 licensed under s. 48.62 if a license is required under that section, in a foster home
25 or treatment foster home located within the boundaries of a federally recognized

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1 American Indian reservation in this state and licensed by the tribal governing body
2 of the reservation, in a group home licensed under s. 48.625, or in a child caring
3 institution licensed under s. 48.60, and has been placed in the foster home, treatment
4 foster home, group home, or institution by a county department under s. 46.215,
5 46.22, or 46.23, by the department, by the Milwaukee County child welfare district,
6 or by a federally recognized American Indian tribal governing body in this state
7 under an agreement with a county department under s. 46.215, 46.22, or 46.23.

8 **SECTION 14.** 46.261 (2) (a) 3. of the statutes is amended to read:

9 46.261 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
10 the department, when the child is placed in a licensed foster home, treatment foster
11 home, group home, or child caring institution by a licensed child welfare agency, by
12 the Milwaukee County child welfare district, or by a federally recognized American
13 Indian tribal governing body in this state or by its designee, if the child is in the legal
14 custody of the county department under s. 46.215, 46.22, or 46.23 ~~or~~, the department
15 under s. 48.48 (17), or the Milwaukee County child welfare district or if the child was
16 removed from the home of a relative, as defined under s. 48.02 (15), as a result of a
17 judicial determination that continuance in the home of the relative would be contrary
18 to the child's welfare for any reason and the placement is made pursuant to an
19 agreement with the county department or the department.

20 **SECTION 15.** 48.069 (2) of the statutes is amended to read:

21 48.069 (2) Except in a county having a population of 500,000 or more, licensed
22 child welfare agencies and the department shall provide services under this section
23 only upon the approval of the agency from whom services are requested. In a county
24 having a population of 500,000 or more, the department or, with the approval of the

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1 department, a licensed child welfare agency or the Milwaukee County child welfare
2 district shall provide services under this section.

3 **SECTION 16.** 48.07 (3) of the statutes is amended to read:

4 48.07 (3) THE DEPARTMENT IN POPULOUS COUNTIES. In counties having a
5 population of 500,000 or more, the department may be ordered by the court to ~~provide~~
6 ~~services for furnishing~~ furnish emergency shelter care to any child whose need
7 ~~therefor~~ for that care is determined by the intake worker under s. 48.205. The court
8 may authorize the department to appoint members or contractors of the department
9 to furnish emergency shelter care services for the child. The emergency shelter care
10 may be provided as specified in s. 48.207.

11 **SECTION 17.** 48.195 (2) (d) 2. of the statutes, as created by 2001 Wisconsin Act
12 2, is amended to read:

13 48.195 (2) (d) 2. Appropriate staff of the department, county department,
14 Milwaukee County child welfare district, or licensed child welfare agency that is
15 providing services to the child.

16 **SECTION 18.** 48.227 (1) of the statutes is amended to read:

17 48.227 (1) Nothing contained in this section prohibits a home licensed under
18 s. 48.48 or 48.75 from providing housing and services to a runaway child with the
19 consent of the child and the consent of the child's parent, guardian, or legal
20 custodian, under the supervision of a county department, a child welfare agency, the
21 Milwaukee County child welfare district, or the department. When the parent,
22 guardian, or legal custodian and the child both consent to the provision of these
23 services and the child has not been taken into custody, no hearing as described in this
24 section is required.

25 **SECTION 19.** 48.345 (4) (bm) of the statutes is amended to read:

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1 48.345 (4) (bm) The department or the Milwaukee County child welfare district
2 in a county having a population of 500,000 or more.

3 **SECTION 20.** 48.355 (2b) of the statutes is amended to read:

4 48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
5 department, the department or the Milwaukee County child welfare district, in a
6 county having a population of 500,000 or more, or the agency primarily responsible
7 for providing services to a child under a court order may, at the same time as the
8 county department, department, child welfare district, or agency is making the
9 reasonable efforts required under sub. (2) (b) 6., work with the department, a county
10 department under s. 48.57 (1) (e) or (hm), the Milwaukee County child welfare
11 district, or a child welfare agency licensed under s. 48.61 (5) in making reasonable
12 efforts to place the child for adoption, with a guardian, or in some other alternative
13 permanent placement.

14 **SECTION 21.** 48.375 (4) (a) 1. of the statutes is amended to read:

15 48.375 (4) (a) 1. The person or the person's agent has, either directly or through
16 a referring physician or ~~his or her~~ the physician's agent, received and made part of
17 the minor's medical record, under the requirements of s. 253.10, the voluntary and
18 informed written consent of the minor and the voluntary and informed written
19 consent of one of her parents; or of the minor's guardian or legal custodian, if one has
20 been appointed; or of an adult family member of the minor; or of one of the minor's
21 foster parents or treatment foster parents, if the minor has been placed in a foster
22 home or treatment foster home and the minor's parent has signed a waiver granting
23 the department, a county department, the Milwaukee County child welfare district,
24 the foster parent, or the treatment foster parent the authority to consent to medical
25 services or treatment on behalf of the minor.

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1 **SECTION 22.** 48.375 (4) (b) 1m. of the statutes is amended to read:

2 48.375 **(4)** (b) 1m. A physician who specializes in psychiatry or a licensed
3 psychologist, as defined in s. 455.01 (4), states in writing that the physician or
4 psychologist believes, to the best of his or her professional judgment based on the
5 facts of the case before him or her, that the minor is likely to commit suicide rather
6 than file a petition under s. 48.257 or approach her parent, or guardian or legal
7 custodian, if one has been appointed, or an adult family member of the minor, or one
8 of the minor's foster parents or treatment foster parents, if the minor has been placed
9 in a foster home or treatment foster home and the minor's parent has signed a waiver
10 granting the department, a county department, the Milwaukee County child welfare
11 district, the foster parent, or the treatment foster parent the authority to consent to
12 medical services or treatment on behalf of the minor, for consent.

13 **SECTION 23.** 48.375 (4) (b) 3. of the statutes is amended to read:

14 48.375 **(4)** (b) 3. The minor provides the person who intends to perform or
15 induce the abortion with a written statement, signed and dated by the minor, that
16 a parent who has legal custody of the minor, or the minor's guardian or legal
17 custodian, if one has been appointed, or an adult family member of the minor, or a
18 foster parent or treatment foster parent, if the minor has been placed in a foster home
19 or treatment foster home and the minor's parent has signed a waiver granting the
20 department, a county department, the Milwaukee County child welfare district, the
21 foster parent, or the treatment foster parent the authority to consent to medical
22 services or treatment on behalf of the minor, has inflicted abuse on the minor. The
23 person who intends to perform or induce the abortion shall place the statement in
24 the minor's medical record. The person who intends to perform or induce the
25 abortion shall report the abuse as required under s. 48.981 (2).

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1 **SECTION 24.** 48.375 (7) (f) of the statutes is amended to read:

2 48.375 (7) (f) *Certain persons barred from proceedings.* No parent, or guardian
3 or legal custodian, if one has been appointed, or foster parent or treatment foster
4 parent, if the minor has been placed in a foster home or treatment foster home and
5 the minor's parent has signed a waiver granting the department, a county
6 department, the Milwaukee County child welfare district, the foster parent, or the
7 treatment foster parent the authority to consent to medical services or treatment on
8 behalf of the minor, or adult family member, of any minor who is seeking a court
9 determination under this subsection may attend, intervene, or give evidence in any
10 proceeding under this subsection.

11 **SECTION 25.** 48.38 (1) (a) of the statutes is amended to read:

12 48.38 (1) (a) "Agency" means the department, a county department, the
13 Milwaukee County child welfare district, or a licensed child welfare agency.

14 **SECTION 26.** 48.40 (1) of the statutes is amended to read:

15 48.40 (1) Except as otherwise provided, "agency" means the department, a
16 county department, the Milwaukee County child welfare district, or a licensed child
17 welfare agency.

18 **SECTION 27.** 48.427 (3m) (a) 3m. of the statutes is created to read:

19 48.427 (3m) (a) 3m. The Milwaukee County child welfare district.

20 **SECTION 28.** 48.428 (2) (a) of the statutes is amended to read:

21 48.428 (2) (a) Except as provided in par. (b), when a court places a child in
22 sustaining care after an order under s. 48.427 (4), the court shall transfer legal
23 custody of the child to the county department, the department or the Milwaukee
24 County child welfare district, in a county having a population of 500,000 or more, or
25 a licensed child welfare agency, transfer guardianship of the child to an agency listed

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1 in s. 48.427 (3m) (a) 1. to 4., and place the child in the home of a licensed foster parent,
2 licensed treatment foster parent, or kinship care relative with whom the child has
3 resided for 6 months or longer. ~~Pursuant to such a placement, this~~ The licensed foster
4 parent, licensed treatment foster parent, or kinship care relative with whom the
5 child is placed under this paragraph shall be a sustaining parent with the powers and
6 duties specified in sub. (3).

7 **SECTION 29.** 48.428 (2) (b) of the statutes is amended to read:

8 48.428 (2) (b) When a court places a child in sustaining care after an order
9 under s. 48.427 (4) with a person who has been appointed as the guardian of the child
10 under s. 48.977 (2), the court may transfer legal custody of the child to the county
11 department, the department or the Milwaukee County child welfare district, in a
12 county having a population of 500,000 or more, or a licensed child welfare agency,
13 transfer guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4., and
14 place the child in the home of a licensed foster parent, licensed treatment foster
15 parent, or kinship care relative with whom the child has resided for 6 months or
16 longer. ~~Pursuant to such a placement, that~~ The licensed foster parent, licensed
17 treatment foster parent, or kinship care relative with whom the child is placed under
18 this paragraph shall be a sustaining parent with the powers and duties specified in
19 sub. (3). If the court transfers guardianship of the child to an agency listed in s.
20 48.427 (3m) (a) 1. to 4., the court shall terminate the guardianship under s. 48.977.

21 **SECTION 30.** 48.43 (7) of the statutes is amended to read:

22 48.43 (7) If the agency specified under sub. (1) (a) is the department and a
23 permanent adoptive placement is not in progress 2 years after entry of the order, the
24 department may petition the court to transfer legal custody of the child to a county
25 department or, in a county having a population of 500,000 or more, the Milwaukee

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1 County child welfare district. The court shall transfer the child's custody to the
2 county department or child welfare district specified in the petition. The department
3 shall remain the child's guardian.

4 **SECTION 31.** 48.48 (17) (a) 3. of the statutes is amended to read:

5 48.48 (17) (a) 3. Provide appropriate protection and services for children and
6 the expectant mothers of unborn children in its care, including providing services for
7 those children and their families and for those expectant mothers in their own
8 homes, placing the children in licensed foster homes, treatment foster homes, or
9 group homes in this state or another state within a reasonable proximity to the
10 agency with legal custody or contracting for services for those children by licensed
11 child welfare agencies or by the Milwaukee County child welfare district, except that
12 the department may not purchase the educational component of private day
13 treatment programs unless the department, the school board, as defined in s. 115.001
14 (7), and the state superintendent of public instruction all determine that an
15 appropriate public education program is not available. Disputes between the
16 department and the school district shall be resolved by the state superintendent of
17 public instruction.

18 **SECTION 32.** 48.48 (17) (a) 11. of the statutes is amended to read:

19 48.48 (17) (a) 11. Contract with the county department under s. 46.215, 51.42,
20 or 51.437 ~~or~~, with a licensed child welfare agency, or with the Milwaukee County
21 child welfare district to provide any of the services that the department is authorized
22 to provide under this chapter.

23 **SECTION 33.** 48.562 of the statutes is created to read:

24 **48.562 Milwaukee County child welfare district. (1) CREATION.** The
25 county board of supervisors of a county having a population of 500,000 or more may

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1 create a special purpose district that is termed the “Milwaukee County child welfare
2 district,” that is a local unit of government, that is separate and distinct from, and
3 independent of, the state and the county, and that has the powers and duties
4 specified in this section, if the county board does all of the following:

5 (a) Adopts an enabling resolution that does all of the following:

6 1. Establishes the Milwaukee County child welfare district.

7 2. Specifies the district’s primary purpose, which shall be to provide, under
8 contract with the department, child welfare services under this chapter.

9 (b) Files copies of the enabling resolution with the secretary of administration,
10 the secretary of health and family services, and the secretary of revenue.

11 **(2) JURISDICTION.** The Milwaukee County child welfare district’s jurisdiction
12 is the geographical area of Milwaukee County.

13 **(3) MILWAUKEE COUNTY CHILD WELFARE DISTRICT BOARD.** (a) The county executive
14 of a county having a population of 500,000 or more shall appoint the members of the
15 Milwaukee County child welfare district board, which is the governing board of the
16 Milwaukee County child welfare district.

17 (b) 1. The Milwaukee County child welfare district board shall consist of 15
18 persons who are residents of the area of jurisdiction of the district. At least
19 one-fourth of the members shall be representative of the client groups whom it is the
20 district’s primary purpose to serve or the family members, guardians, or other
21 advocates of the children and families that are served by the district.

22 2. Membership of the Milwaukee County child welfare district board shall
23 reflect the ethnic and economic diversity of the area of jurisdiction of the district. No
24 member of the board may be an elected or appointed official or employee of the county
25 that created the district. No member of the board may have a private financial

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1 interest in or profit directly or indirectly from any contract or other business of the
2 district.

3 (c) The members of the Milwaukee County child welfare district board shall
4 serve 5-year terms. No member may serve more than 2 consecutive terms. Of the
5 members first appointed, 5 shall be appointed for 3 years; 5 shall be appointed for
6 4 years; and 5 shall be appointed for 5 years. A member shall serve until the
7 member's successor is appointed, unless the member is removed for cause under s.
8 17.13.

9 (d) As soon as possible after the appointment of the initial members of the
10 Milwaukee County child welfare district board, the board shall organize for the
11 transaction of business and elect a chairperson and other necessary officers. Each
12 chairperson shall be elected by the board from time to time for the term of that
13 chairperson's office as a member of the board or for the term of 3 years, whichever
14 is shorter, and shall be eligible for reelection. A majority of the board shall constitute
15 a quorum. The board may act based on the affirmative vote of a majority of a quorum.

16 **(4) POWERS.** The Milwaukee County child welfare district has all of the powers
17 necessary or convenient to provide, under contract with the department, child
18 welfare services under this chapter, including all of the powers of the department
19 relating to the provision of those services in a county having a population of 500,000
20 or more that the department, by contract, authorizes the district to exercise. In
21 addition to those powers, the district may do all of the following:

22 (a) Adopt and alter, at pleasure, an official seal.

23 (b) Adopt bylaws, policies, and procedures for the regulation of its affairs and
24 the conduct of its business. The bylaws, policies, and procedures shall comply with
25 all state laws, rules, policies, and procedures governing the provision of child welfare

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1 services by the department in a county having a population of 500,000 or more and
2 with the terms of the district's contract with the department under par. (d).

3 (c) Sue and be sued.

4 (d) Negotiate and enter into leases or contracts, including a contract with the
5 department to provide child welfare services under this chapter.

6 (e) Provide services to children and families, in addition to the services funded
7 under the contract with the department under par. (d).

8 (f) Acquire, construct, equip, maintain, improve, and manage facilities
9 necessary for the provision of child welfare services under this chapter.

10 (g) Subject to sub. (8), employ any agent, employee, or special adviser that the
11 district finds necessary; fix and regulate that person's compensation; and provide
12 that person, either directly or as a participant in a benefit plan of another
13 governmental entity under an agreement under s. 66.0301, with any employee
14 benefits, including an employee pension plan.

15 (h) Mortgage, pledge, or otherwise encumber the district's property or funds.

16 (i) Buy, sell, or lease property, including real estate, and maintain or dispose
17 of the property.

18 (j) Invest any funds not required for immediate disbursement in any of the
19 following:

20 1. An interest-bearing escrow account with a financial institution, as defined
21 in s. 69.30 (1) (b).

22 2. Time deposits in any financial institution, as defined in s. 69.30 (1) (b), if the
23 time deposits mature in not more than 2 years.

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1 3. Bonds or securities issued or guaranteed as to principal and interest by the
2 federal government or by a commission, board, or other instrumentality of the
3 federal government.

4 (k) Create a risk reserve or other special reserve as the district board desires
5 or as the department requires under the district's contract with the department
6 under par. (d).

7 (L) Accept aid, including loans, to accomplish the purpose of the district from
8 any local, state, or federal governmental agency or accept gifts, loans, grants, or
9 bequests from individuals or entities, if the conditions under which the aid, loan, gift,
10 grant, or bequest is furnished are not in conflict with this section.

11 (m) Make and execute other instruments necessary or convenient to exercise
12 the powers of the district.

13 **(5) LIMITATION ON POWERS.** The Milwaukee County child welfare district may
14 not issue bonds or levy a tax or assessment.

15 **(6) DUTIES.** The Milwaukee County child welfare district board shall do all of
16 the following:

17 (a) Appoint a director, who shall hold office at the pleasure of the board.

18 (b) Subject to sub. (8), develop and implement a personnel structure and other
19 employment policies for employees of the district.

20 (c) Ensure compliance with the terms of any contract with the department
21 under sub. (4) (d).

22 (d) Establish a fiscal operating year and annually adopt a budget for the
23 district.

24 (e) Contract for any legal services required for the district.

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1 (f) Subject to sub. (8), procure liability insurance covering its officers,
2 employees, and agents, insurance against any loss in connection with its property
3 and other assets, and other necessary insurance; establish and administer a plan of
4 self-insurance; or, under an agreement under s. 66.0301, participate in a
5 governmental plan of insurance or self-insurance.

6 **(7) DIRECTOR; DUTIES.** The director appointed under sub. (6) (a) shall do all of
7 the following:

8 (a) Manage the property and business of the district and manage the employees
9 of the district, subject to the general control of the board.

10 (b) Comply with the bylaws and direct enforcement of all policies and
11 procedures adopted by the board.

12 (c) Perform such duties, in addition to those specified in pars. (a) and (b), as are
13 prescribed by the board.

14 **(8) EMPLOYMENT AND EMPLOYEE BENEFITS OF CERTAIN EMPLOYEES.** (a) The
15 Milwaukee County child welfare district board shall do all of the following:

16 1. If the district offers employment to any individual who was previously
17 employed by the county, who while employed by the county performed duties relating
18 to the same or a substantially similar function for which the individual is offered
19 employment by the district, and whose wages, hours, and conditions of employment
20 were established in a collective bargaining agreement with the county under subch.
21 IV of ch. 111 that is in effect on the date on which the individual commences
22 employment with the district, abide by the terms of the collective bargaining
23 agreement concerning the individual's compensation and benefits until the
24 expiration of that collective bargaining agreement or the adoption of a collective

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1 bargaining agreement with the district under subch. IV of ch. 111 covering the
2 individual as an employee of the district, whichever occurs first.

3 2. If the district offers employment to any individual who was previously
4 employed by the county and who while employed by the county performed duties
5 relating to the same or a substantially similar function for which the individual is
6 offered employment by the district, but whose wages, hours, and conditions of
7 employment were not established in a collective bargaining agreement with the
8 county under subch. IV of ch. 111 that is in effect on the date on which the individual
9 commences employment with the district, initially provide that individual the same
10 compensation and benefits that the individual received while employed by the
11 county.

12 3. If the district offers employment to any individual who was previously
13 employed by the county and who while employed by the county performed duties
14 relating to the same or a substantially similar function for which the individual is
15 offered employment by the district, recognize all years of service that the individual
16 had with the county for any benefit provided or program operated by the district for
17 which an employee's years of service may affect the provision of the benefit or the
18 operation of the program.

19 (b) The county board of supervisors of the area of jurisdiction of the Milwaukee
20 County child welfare district shall do all of the following:

21 1. Provide that district employees are eligible to participate in the county
22 retirement system.

23 2. Provide that, subject to the terms of any applicable collective bargaining
24 agreement as provided in par. (a) 1., district employees are eligible to receive health

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1 care coverage under any county health insurance plan that is offered to county
2 employees.

3 3. Provide that, subject to the terms of any applicable collective bargaining
4 agreement as provided in par. (a) 1., district employees are eligible to participate in
5 any deferred compensation or other benefit plan offered by the county to county
6 employees, including disability and long-term care insurance coverage and income
7 continuation insurance coverage.

8 **(9) CONFIDENTIALITY OF RECORDS.** No record, as defined in s. 19.32 (2), of the
9 Milwaukee County child welfare district that contains personally identifiable
10 information, as defined in s. 19.62 (5), concerning an individual who receives services
11 from the district may be disclosed by the district without the individual's informed
12 consent, except as permitted under s. 48.78 (2).

13 **(10) OBLIGATIONS AND DEBTS NOT THOSE OF COUNTY.** The obligations and debts
14 of the Milwaukee County child welfare district are not the obligations or debts of the
15 county that created the district.

16 **(11) ASSISTANCE TO MILWAUKEE COUNTY CHILD WELFARE DISTRICT.** From moneys
17 in the county treasury that are not appropriated to some other purpose, the county
18 board of supervisors of the county that created the Milwaukee County child welfare
19 district may appropriate moneys to the district as a gift or may lend moneys to the
20 district.

21 **(12) DISSOLUTION.** Subject to the performance of its contractual obligations and
22 to prior approval by the secretary of health and family services, the Milwaukee
23 County child welfare district may be dissolved by joint action of the district board and
24 county board of supervisors of the county that created the district. If the district is
25 dissolved, the property of the district shall be transferred to the county board of

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1 supervisors of the county that created the district, except that if the district has funds
2 in a risk reserve disposition of those funds shall be made under the terms of the
3 district's contract with the department.

4 **SECTION 34.** 48.62 (1) (a) of the statutes is amended to read:

5 48.62 (1) (a) Any person who receives, with or without transfer of legal custody,
6 4 or fewer children or, if necessary to enable a sibling group to remain together, 6 or
7 fewer children or, if the department promulgates rules permitting a different
8 number of children, the number of children permitted under those rules, to provide
9 care and maintenance for those children shall obtain a license to operate a foster
10 home from ~~the department, a county department~~ a public licensing agency or a
11 licensed child welfare agency as provided in s. 48.75.

12 **SECTION 35.** 48.62 (1) (b) of the statutes is amended to read:

13 48.62 (1) (b) Any person who receives, with or without transfer of legal custody,
14 4 or fewer children into a home to provide care and maintenance and structured,
15 professional treatment for those children shall obtain a license to operate a
16 treatment foster home from ~~the department, a county department~~ a public licensing
17 agency or a licensed child welfare agency as provided in s. 48.75.

18 **SECTION 36.** 48.62 (2) of the statutes is amended to read:

19 48.62 (2) A relative as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a)
20 or a guardian of a child, who provides care and maintenance for a child, is not
21 required to obtain the license specified in this section. ~~The department, county~~
22 ~~department~~ A public licensing agency or licensed child welfare agency as provided
23 in s. 48.75 may issue a license to operate a foster home or a treatment foster home
24 to a relative who has no duty of support under s. 49.90 (1) (a) and who requests a
25 license to operate a foster home or treatment foster home for a specific child who is

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1 either placed by court order or who is the subject of a voluntary placement agreement
2 under s. 48.63. ~~The department, a county department~~ A public licensing agency or
3 a licensed child welfare agency may, at the request of a guardian appointed under
4 s. 48.977 or 48.978 or ch. 880, license the guardian's home as a foster home or
5 treatment foster home for the guardian's minor ward who is living in the home and
6 who is placed in the home by court order. Relatives with no duty of support and
7 guardians appointed under s. 48.977 or 48.978 or ch. 880 who are licensed to operate
8 foster homes or treatment foster homes are subject to the department's licensing
9 rules.

10 **SECTION 37.** 48.62 (3) of the statutes is amended to read:

11 48.62 (3) ~~When the department, a county department~~ a public licensing agency
12 or a child welfare agency issues a license to operate a foster home or treatment foster
13 home, ~~the department, county department~~ public licensing agency or child welfare
14 agency shall notify the clerk of the school district in which the foster home or
15 treatment foster home is located that a foster home or treatment foster home has
16 been licensed in the school district.

17 **SECTION 38.** 48.627 (2) (a) of the statutes is amended to read:

18 48.627 (2) (a) ~~Before the department, a county department~~ a public licensing
19 agency, as defined in s. 48.75 (1b), or a licensed child welfare agency may issue,
20 renew, or continue a foster home, treatment foster home, or family-operated group
21 home license, the public licensing agency or licensed child welfare agency shall
22 require the applicant to furnish proof satisfactory to the public licensing agency or
23 licensed child welfare agency that he or she has homeowner's or renter's liability
24 insurance that provides coverage for negligent acts or omissions by children placed

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1 in a foster home, treatment foster home, or family-operated group home that result
2 in bodily injury or property damage to 3rd parties.

3 **SECTION 39.** 48.627 (2) (b) of the statutes is amended to read:

4 48.627 (2) (b) A public licensing agency or licensed child welfare agency may,
5 in accordance with rules promulgated by the department, waive the requirement
6 under par. (a) if the applicant shows that he or she is unable to obtain the required
7 insurance, that he or she has had a homeowner's or renter's liability insurance policy
8 canceled, or that payment of the premium for the required insurance would cause
9 undue financial hardship.

10 **SECTION 40.** 48.627 (2) (d) of the statutes is amended to read:

11 48.627 (2) (d) The public licensing agency or licensed child welfare agency shall
12 specify the amounts of liability insurance coverage required under par. (a).

13 **SECTION 41.** 48.63 (1) of the statutes is amended to read:

14 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's
15 parent or guardian or the department of health and family services, the department
16 of corrections, a county department, the Milwaukee County child welfare district, or
17 a child welfare agency licensed to place children in foster homes or, treatment foster
18 homes, or group homes may place a child or negotiate or act as intermediary for the
19 placement of a child in a foster home, treatment foster home, or group home.
20 Voluntary agreements under this subsection may not be used for placements in
21 facilities other than foster, treatment foster, or group homes and may not be
22 extended. A foster home or treatment foster home placement under a voluntary
23 agreement may not exceed 6 months. A group home placement under a voluntary
24 agreement may not exceed 15 days. These time limitations do not apply to
25 placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary

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1 agreements may be made only under this subsection and shall be in writing and shall
2 specifically state that the agreement may be terminated at any time by the parent
3 or guardian or by the child if the child's consent to the agreement is required. The
4 child's consent to the agreement is required whenever the child is 12 years of age or
5 older.

6 **SECTION 42.** 48.64 (1) of the statutes is amended to read:

7 48.64 (1) DEFINITION. In this section, "agency" means the department of health
8 and family services, the department of corrections, a county department, The
9 Milwaukee County child welfare district, or a licensed child welfare agency
10 authorized to place children in foster homes ~~or~~, treatment foster homes, or group
11 homes.

12 **SECTION 43.** 48.64 (1r) of the statutes is amended to read:

13 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a
14 school-age child in a foster home, treatment foster home, or a group home, the agency
15 shall notify the clerk of the school district in which the foster home, treatment foster
16 home, or group home is located that a school-age child has been placed in a foster
17 home, treatment foster home, or group home in the school district.

18 **SECTION 44.** 48.64 (4) (a) of the statutes is amended to read:

19 48.64 (4) (a) Any decision or order issued by an agency that affects the head of
20 a foster, treatment foster, or group home or the children involved may be appealed
21 to the department under fair hearing procedures established under department
22 rules. The department shall, upon receipt of an appeal, give the head of the home
23 reasonable notice and opportunity for a fair hearing. The department may make
24 such additional investigation as the department considers necessary. The
25 department shall give notice of the hearing to the head of the home and to the

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1 departmental subunit, county department, child welfare district, or child welfare
2 agency that issued the decision or order. Each person receiving notice is entitled to
3 be represented at the hearing. At all hearings conducted under this subsection, the
4 head of the home, or a representative of the head of the home, shall have an adequate
5 opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and records
6 to be used at the hearing at a reasonable time before the date of the hearing as well
7 as during the hearing, to bring witnesses, to establish all pertinent facts and
8 circumstances, and to question or refute any testimony or evidence, including
9 opportunity to confront and cross-examine adverse witnesses. The department
10 shall grant a continuance for a reasonable period of time when an issue is raised for
11 the first time during a hearing. This requirement may be waived with the consent
12 of the parties. The decision of the department shall be based exclusively on evidence
13 introduced at the hearing. A transcript of testimony and exhibits, or an official report
14 containing the substance of what transpired at the hearing, together with all papers
15 and requests filed in the proceeding, and the findings of the hearing examiner shall
16 constitute the exclusive record for decision by the department. The department shall
17 make the record available at any reasonable time and at an accessible place to the
18 head of the home or his or her representative. Decisions by the department shall
19 specify the reasons for the decision and identify the supporting evidence. No person
20 participating in an agency action being appealed may participate in the final
21 administrative decision on that action. The department shall render its decision as
22 soon as possible after the hearing and shall send a certified copy of its decision to the
23 head of the home and to the departmental subunit, county department, child welfare
24 district, or child welfare agency that issued the decision or order. The decision shall
25 be binding on all parties concerned.

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1 **SECTION 45.** 48.685 (2) (am) (intro.) of the statutes is amended to read:

2 48.685 **(2)** (am) (intro.) The department, a county department, a child welfare
3 agency, the Milwaukee County child welfare district, or a school board shall obtain
4 all of the following with respect to a caregiver specified in sub. (1) (ag) 1. b., a
5 nonclient resident of an entity, and a person under 18 years of age, but not under 12
6 years of age, who is a caregiver of a day care center that is licensed under s. 48.65
7 or established or contracted for under s. 120.13 (14) or of a day care provider that is
8 certified under s. 48.651:

9 **SECTION 46.** 48.685 (2) (am) 5. of the statutes is amended to read:

10 48.685 **(2)** (am) 5. Information maintained by the department under this
11 section and under ss. 48.651 (2m), 48.75 (1m), and 120.13 (14) regarding any denial
12 to the person of a license, continuation or renewal of a license, certification, or a
13 contract to operate an entity for a reason specified in sub. (4m) (a) 1. to 5. and
14 regarding any denial to the person of employment at, a contract with, or permission
15 to reside at an entity for a reason specified in sub. (4m) (b) 1. to 5. If the information
16 obtained under this subdivision indicates that the person has been denied a license,
17 continuation or renewal of a license, certification, a contract, employment, or
18 permission to reside as described in this subdivision, the department, a county
19 department, a child welfare agency, the Milwaukee County child welfare district, or
20 a school board need not obtain the information specified in subs. 1. to 4.

21 **SECTION 47.** 48.685 (2) (bb) of the statutes is amended to read:

22 48.685 **(2)** (bb) If information obtained under par. (am) or (b) 1. indicates a
23 charge of a serious crime, but does not completely and clearly indicate the final
24 disposition of the charge, the department, county department, child welfare agency,
25 Milwaukee County child welfare district, school board, or entity shall make every

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1 reasonable effort to contact the clerk of courts to determine the final disposition of
2 the charge. If a background information form under sub. (6) (a) or (am) indicates a
3 charge or a conviction of a serious crime, but information obtained under par. (am)
4 or (b) 1. does not indicate such a charge or conviction, the department, county
5 department, child welfare agency, Milwaukee County child welfare district, school
6 board, or entity shall make every reasonable effort to contact the clerk of courts to
7 obtain a copy of the criminal complaint and the final disposition of the complaint.
8 If information obtained under par. (am) or (b) 1., a background information form
9 under sub. (6) (a) or (am), or any other information indicates a conviction of a
10 violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01, or 947.013 obtained
11 not more than 5 years before the date on which that information was obtained, the
12 department, county department, child welfare agency, Milwaukee County child
13 welfare district, school board, or entity shall make every reasonable effort to contact
14 the clerk of courts to obtain a copy of the criminal complaint and judgment of
15 conviction relating to that violation.

16 **SECTION 48.** 48.685 (2) (bd) of the statutes is amended to read:

17 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county
18 department, a child welfare agency, the Milwaukee County child welfare district, or
19 a school board is not required to obtain the information specified in par. (am) 1. to
20 5., and an entity is not required to obtain the information specified in par. (b) 1. a.
21 to e., with respect to a person under 18 years of age whose background information
22 form under sub. (6) (am) indicates that the person is not ineligible to be employed,
23 contracted with, or permitted to reside at an entity for a reason specified in sub. (4m)
24 (b) 1. to 5. and with respect to whom the department, county department, Milwaukee
25 County child welfare district, child welfare agency, school board, or entity otherwise

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1 has no reason to believe that the person is ineligible to be employed, contracted with,
2 or permitted to reside at an entity for any of those reasons. This paragraph does not
3 preclude the department, a county department, a child welfare agency, the
4 Milwaukee County child welfare district, or a school board from obtaining, at its
5 discretion, the information specified in par. (am) 1. to 5. with respect to a person
6 described in this paragraph who is a nonclient resident or a prospective nonclient
7 resident of an entity.

8 **SECTION 49.** 48.685 (2) (bm) of the statutes is amended to read:

9 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
10 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding
11 the date of the search that person has not been a resident of this state, or if the
12 department, county department, child welfare agency, Milwaukee County child
13 welfare district, school board, or entity determines that the person's employment,
14 licensing, or state court records provide a reasonable basis for further investigation,
15 the department, county department, child welfare agency, child welfare district,
16 school board, or entity shall make a good faith effort to obtain from any state or other
17 United States jurisdiction in which the person is a resident or was a resident within
18 the 3 years preceding the date of the search information that is equivalent to the
19 information specified in par. (am) 1. or (b) 1. a. The department, county department,
20 child welfare agency, Milwaukee County child welfare district, school board, or entity
21 may require the person to be fingerprinted on 2 fingerprint cards, each bearing a
22 complete set of the person's fingerprints. The department of justice may provide for
23 the submission of the fingerprint cards to the federal bureau of investigation for the
24 purposes of verifying the identity of the person fingerprinted and obtaining records
25 of his or her criminal arrests and convictions.

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1 **SECTION 50.** 48.685 (3) (a) of the statutes is amended to read:

2 48.685 **(3)** (a) Every 4 years or at any time within that period that the
3 department, a county department, a child welfare agency, the Milwaukee County
4 child welfare district, or a school board considers appropriate, the department,
5 county department, child welfare agency, child welfare district, or school board shall
6 request the information specified in sub. (2) (am) 1. to 5. for all persons who are
7 licensed, certified, or contracted to operate an entity, for all persons who are
8 nonclient residents of an entity, and for all persons under 18 years of age, but not
9 under 12 years of age, who are caregivers of a day care center that is licensed under
10 s. 48.65 or established or contracted for under s. 120.13 (4) or of a day care provider
11 that is certified under s. 48.651.

12 **SECTION 51.** 48.685 (3m) of the statutes is amended to read:

13 48.685 **(3m)** Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a
14 county department, a child welfare agency, the Milwaukee County child welfare
15 district, or a school board has obtained the information required under sub. (2) (am)
16 or (3) (a) with respect to a person who is a caregiver specified in sub. (1) (ag) 1. b. and
17 that person is also an employee, contractor, or nonclient resident of an entity, the
18 entity is not required to obtain the information specified in sub. (2) (b) 1. or (3) (b)
19 with respect to that person.

20 **SECTION 52.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

21 48.685 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in
22 par. (ad) and sub. (5), the department may not license, or continue or renew the
23 license of, a person to operate an entity, a county department may not certify a day
24 care provider under s. 48.651, a county department, the Milwaukee County child
25 welfare district, or a child welfare agency may not license, or renew the license of,

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1 a foster home or treatment foster home under s. 48.62₁ and a school board may not
2 contract with a person under s. 120.13 (14), if the department, county department,
3 child welfare agency, child welfare district, or school board knows or should have
4 known any of the following:

5 **SECTION 53.** 48.685 (4m) (ad) of the statutes is amended to read:

6 48.685 **(4m)** (ad) The department, a county department, the Milwaukee
7 County child welfare district, or a child welfare agency may license a foster home or
8 treatment foster home under s. 48.62, a county department may certify a day care
9 provider under s. 48.651₁, and a school board may contract with a person under s.
10 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am)
11 indicating that the person is not ineligible to be licensed, certified₁, or contracted with
12 for a reason specified in par. (a) 1. to 5.

13 **SECTION 54.** 48.685 (5) (a) of the statutes is amended to read:

14 48.685 **(5)** (a) The department may license to operate an entity, a county
15 department may certify under s. 48.651, a county department, the Milwaukee
16 County child welfare district, or a child welfare agency may license under s. 48.62₁,
17 and a school board may contract with under s. 120.13 (14) a person who otherwise
18 may not be licensed, certified₁, or contracted with for a reason specified in sub. (4m)
19 (a) 1. to 5., and an entity may employ, contract with₁, or permit to reside at the entity
20 a person who otherwise may not be employed, contracted with₁, or permitted to reside
21 at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates
22 to the department, the county department, the child welfare agency, the child welfare
23 district, or the school board or, in the case of an entity that is located within the
24 boundaries of a reservation, to the person or body designated by the tribe under sub.
25 (5d) (a) 3., by clear and convincing evidence and in accordance with procedures

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1 established by the department by rule or by the tribe that ~~he or she~~ the person has
2 been rehabilitated.

3 **SECTION 55.** 48.685 (5c) (b) of the statutes is amended to read:

4 48.685 (5c) (b) Any person who is permitted but fails under sub. (5) (a) to
5 demonstrate to the county department that he or she has been rehabilitated may
6 appeal to the director of the county department or his or her designee. Any person
7 who is permitted but fails under sub. (5) (a) to demonstrate to the Milwaukee County
8 child welfare district that he or she has been rehabilitated may appeal to the director
9 of the child welfare district or his or her designee. Any person who is adversely
10 affected by a decision of the director ~~or his or her~~ of the county department, the
11 director of the Milwaukee County child welfare district, or a designee under this
12 paragraph has a right to appeal the decision under ch. 68.

13 **SECTION 56.** 48.685 (5m) of the statutes is amended to read:

14 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
15 a person to operate an entity, a county department, the Milwaukee County child
16 welfare district, or a child welfare agency may refuse to license a foster home or
17 treatment foster home under s. 48.62, and an entity may refuse to employ or contract
18 with a caregiver or permit a nonclient resident to reside at the entity if the person
19 has been convicted of an offense that is not a serious crime, but that is, in the
20 estimation of the department, county department, child welfare agency, child
21 welfare district, or entity, substantially related to the care of a client.
22 Notwithstanding s. 111.335, the department may refuse to license a person to
23 operate a day care center, a county department may refuse to certify a day care
24 provider under s. 48.651, a school board may refuse to contract with a person under
25 s. 120.13 (14), a day care center that is licensed under s. 48.65 or established or

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1 contracted for under s. 120.13 (14), and a day care provider that is certified under s.
2 48.651 may refuse to employ or contract with a caregiver or permit a nonclient
3 resident to reside at the day care center or day care provider if the person has been
4 convicted of or adjudicated delinquent on or after his or her 12th birthday for an
5 offense that is not a serious crime, but that is, in the estimation of the department,
6 county department, school board, day care center, or day care provider, substantially
7 related to the care of a client.

8 **SECTION 57.** 48.685 (6) (a) of the statutes is amended to read:

9 48.685 **(6)** (a) The department shall require any person who applies for
10 issuance, continuation, or renewal of a license to operate an entity, a county
11 department shall require any day care provider who applies for initial certification
12 under s. 48.651 or for renewal of that certification, a county department, the
13 Milwaukee County child welfare district, or a child welfare agency shall require any
14 person who applies for issuance or renewal of a license to operate a foster home or
15 treatment foster home under s. 48.62, and a school board shall require any person
16 who proposes to contract with the school board under s. 120.13 (14) or to renew a
17 contract under that subsection, to complete a background information form that is
18 provided by the department.

19 **SECTION 58.** 48.685 (6) (b) 2m. of the statutes is created to read:

20 48.685 **(6)** (b) 2m. For caregivers who are licensed by the Milwaukee County
21 child welfare district, for persons who are nonclient residents of an entity that is
22 licensed by that child welfare district, and for other persons specified by the
23 department by rule, the entity shall send the background information form to that
24 child welfare district.

25 **SECTION 59.** 48.685 (8) of the statutes is amended to read:

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1 48.685 (8) The department, a county department, a child welfare agency, the
2 Milwaukee County child welfare district, or a school board may charge a fee for
3 obtaining the information required under sub. (2) (am) or (3) (a) or for providing
4 information to an entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b).
5 The fee may not exceed the reasonable cost of obtaining the information. No fee may
6 be charged to a nurse’s assistant, as defined in s. 146.40 (1) (d), for obtaining or
7 maintaining information if to do so would be inconsistent with federal law.

8 **SECTION 60.** 48.75 (1b) of the statutes is amended to read:

9 48.75 (1b) In this section, “public licensing agency” means a county
10 department or, in a county having a population of 500,000 or more, the department
11 or, with the approval of the department, the Milwaukee County child welfare district.

12 **SECTION 61.** 48.78 (1) of the statutes is amended to read:

13 48.78 (1) In this section, unless otherwise qualified, “agency” means the
14 department, a county department, a licensed child welfare agency, the Milwaukee
15 County child welfare district, a licensed day care center, or a licensed maternity
16 hospital.

17 **SECTION 62.** 48.78 (2) (c) of the statutes is amended to read:

18 48.78 (2) (c) Paragraph (a) does not prohibit the department, the Milwaukee
19 County child welfare district, or a county department from using in the media a
20 picture or description of a child in the guardianship of the department, the child
21 welfare district, or a county department for the purpose of finding adoptive parents
22 for that child.

23 **SECTION 63.** 48.825 (3) (a) of the statutes is amended to read:

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1 48.825 (3) (a) The department, a county department, the Milwaukee County
2 child welfare district, or a child welfare agency licensed under s. 48.60 to place
3 children for adoption.

4 **SECTION 64.** 48.825 (3) (d) of the statutes is amended to read:

5 48.825 (3) (d) An individual who has received a favorable recommendation
6 regarding his or her fitness to be an adoptive parent in this state from the
7 department, a county department, the Milwaukee County child welfare district, or
8 a child welfare agency licensed under s. 48.60 or in another jurisdiction from an
9 entity authorized by that jurisdiction to conduct studies of potential adoptive homes.

10 **SECTION 65.** 48.831 (1m) (bm) of the statutes is created to read:

11 48.831 (1m) (bm) The Milwaukee County child welfare district.

12 **SECTION 66.** 48.831 (2) of the statutes is amended to read:

13 48.831 (2) REPORT. If the department, county department, Milwaukee County
14 child welfare district, or child welfare agency files a petition, it shall submit a report
15 to the court containing as much of the information specified under s. 48.425 (1) (a)
16 and (am) as is reasonably ascertainable and, if applicable, the information specified
17 under s. 48.425 (1) (g). If the petition is filed by a relative or other person specified
18 under sub. (1m) (d), the court shall order the department or a child welfare agency,
19 if the department or agency consents, the Milwaukee County child welfare district,
20 or a county department to file a report containing the information specified in this
21 subsection. The department, county department, Milwaukee County child welfare
22 district, or child welfare agency shall file the report at least 5 days before the date
23 of the fact-finding hearing on the petition.

24 **SECTION 67.** 48.831 (4) (b) 4. of the statutes is created to read:

25 48.831 (4) (b) 4. The Milwaukee County child welfare district.

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1 **SECTION 68.** 48.831 (4) (e) of the statutes is amended to read:

2 48.831 **(4)** (e) The court shall order the custodian appointed under par. (b) or
3 (c) to prepare a permanency plan under s. 48.38 for the child within 60 days after the
4 date of the order. A permanency plan ordered under this paragraph is subject to
5 review under s. 48.38 (5). In preparing a permanency plan, the department, county
6 department, Milwaukee County child welfare district, or child welfare agency ~~need~~
7 ~~not~~ is not required to include any information specified in s. 48.38 (4) that relates to
8 the child's parents or returning the child to his or her home. In reviewing a
9 permanency plan, a court or panel ~~need not~~ is not required to make any
10 determination under s. 48.38 (5) (c) that relates to the child's parents or returning
11 the child to his or her home.

12 **SECTION 69.** 48.832 of the statutes is amended to read:

13 **48.832 Transfer of guardianship upon revocation of guardian's license**
14 **or contract.** If the department revokes the license of a county department licensed
15 under s. 48.57 (1) (hm) to accept guardianship, or of a child welfare agency licensed
16 under s. 48.61 (5) to accept guardianship, or if the department terminates the
17 contract of a county department licensed under s. 48.57 (1) (e) or of the Milwaukee
18 County child welfare district to accept guardianship, the department shall file a
19 motion in the court that appointed the guardian for each child in the guardianship
20 of the county department, child welfare district, or agency, requesting that the court
21 transfer guardianship and custody of the child. The motion may specify a county
22 department, child welfare district, or child welfare agency that has consented to
23 accept guardianship of the child. The court shall transfer guardianship and custody
24 of the child either to the county department, child welfare district, or child welfare
25 agency specified in the motion or to another county department under s. 48.57 (1) (e)

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1 or (hm), child welfare district, or ~~a~~ child welfare agency under s. 48.61 (5) ~~which~~ that
2 consents to the transfer. If no county department, child welfare district, or child
3 welfare agency consents, the court shall transfer guardianship and custody of the
4 child to the department.

5 **SECTION 70.** 48.833 of the statutes is amended to read:

6 **48.833 Placement of children for adoption by the department, county**
7 **departments, child welfare districts, and child welfare agencies.** The
8 department, a county department under s. 48.57 (1) (e) or (hm), the Milwaukee
9 County child welfare district, or a child welfare agency licensed under s. 48.60 may
10 place a child for adoption in a licensed foster home or a licensed treatment foster
11 home without a court order if the department, county department under s. 48.57 (1)
12 (e) or (hm), child welfare district, or the child welfare agency is the guardian of the
13 child or makes the placement at the request of another agency ~~which~~ that is the
14 guardian of the child. Before placing a child for adoption under this section, the
15 department, county department, child welfare district, or child welfare agency
16 making the placement shall consider the availability of a placement for adoption
17 with a relative of the child who is identified in the child's permanency plan under s.
18 48.38 or 938.38 or who is otherwise known by the department, county department,
19 child welfare district, or child welfare agency. When a child is placed under this
20 section in a licensed foster home or a licensed treatment foster home for adoption,
21 the department, county department, child welfare district, or child welfare agency
22 making the placement shall enter into a written agreement with the adoptive parent,
23 which shall state the date on which the child is placed in the licensed foster home or
24 licensed treatment foster home for adoption by the adoptive parent.

25 **SECTION 71.** 48.837 (4) (c) of the statutes is amended to read:

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1 48.837 (4) (c) Shall order the department, the Milwaukee County child welfare
2 district, or a county department under s. 48.57 (1) (e) or (hm) to investigate the
3 proposed adoptive placement, to interview each petitioner, to provide counseling if
4 requested, and to report its recommendation to the court at least 5 days before the
5 hearing on the petition. If a licensed child welfare agency has investigated the
6 proposed adoptive placement and interviewed the petitioners, the court may accept
7 a report and recommendation from the child welfare agency in place of the
8 court-ordered report required under this paragraph.

9 **SECTION 72.** 48.837 (4) (d) of the statutes is amended to read:

10 48.837 (4) (d) May, at the request of a petitioning parent, or on its own motion
11 after ordering the child taken into custody under s. 48.19 (1) (c), order the
12 department, the Milwaukee County child welfare district, or a county department
13 under s. 48.57 (1) (e) or (hm) to place the child, pending the hearing on the petition,
14 in any home licensed under s. 48.62 except the home of the proposed adoptive parents
15 or a relative of the proposed adoptive parents.

16 **SECTION 73.** 48.837 (6) (d) of the statutes is amended to read:

17 48.837 (6) (d) If the proposed placement is approved, the court shall proceed
18 immediately to a hearing on the petition required under sub. (3). If the parental
19 rights of the parent are terminated, the court shall order the child placed with the
20 proposed adoptive parent or parents and appoint as guardian of the child the
21 department, a county department under s. 48.57 (1) (e) or (hm), the Milwaukee
22 County child welfare district, or a child welfare agency licensed to accept
23 guardianship under s. 48.61 (5).

24 **SECTION 74.** 48.839 (1) (d) of the statutes is amended to read:

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1 48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county
2 department, the Milwaukee County child welfare district, or a child welfare agency
3 before the child is adopted, the department shall periodically bill the guardian and
4 the surety under s. 46.03 (18) (b) or 46.10 for the cost of care and maintenance of the
5 child until the child is adopted or becomes age 18, whichever is earlier. The guardian
6 and surety shall also be liable under the bond for costs incurred by the department
7 in enforcing the bond against the guardian and surety.

8 **SECTION 75.** 48.839 (4) (a) of the statutes is amended to read:

9 48.839 (4) (a) Shall transfer guardianship of the child to the department, to a
10 county department under s. 48.57 (1) (e) or (hm), to the Milwaukee County child
11 welfare district, or to a child welfare agency under s. 48.61 (5) and order the guardian
12 to file a petition for termination of parental rights under s. 48.42 within 10 days.

13 **SECTION 76.** 48.839 (4) (b) of the statutes is amended to read:

14 48.839 (4) (b) Shall transfer legal custody of the child to the department or the
15 Milwaukee County child welfare district, in a county having a population of 500,000
16 or more, to a county department, or to a child welfare agency licensed under s. 48.60.

17 **SECTION 77.** 48.88 (2) (a) 2. of the statutes is amended to read:

18 48.88 (2) (a) 2. If no agency has guardianship of the child and a relative other
19 than a stepparent has filed the petition for adoption, the department, a county
20 department under s. 48.57 (1) (e) or (hm), the Milwaukee County child welfare
21 district, or a licensed child welfare agency.

22 **SECTION 78.** 48.88 (2) (c) of the statutes is amended to read:

23 48.88 (2) (c) If a stepparent has filed a petition for adoption and no agency has
24 guardianship of the child, the court shall order the department or the Milwaukee
25 County child welfare district, in a county having a population of 500,000 or more, or

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1 a county department or, with the consent of the department in a county having a
2 population of less than 500,000 or a licensed child welfare agency, order the
3 department or the child welfare agency to conduct a screening, consisting of no more
4 than one interview with the petitioner and a check of the petitioner's background
5 through public records, including records maintained by the department or any
6 county department under s. 48.981. The department, county department, child
7 welfare district, or child welfare agency that conducts the screening shall file a report
8 of the screening with the court within 30 days. After reviewing the report, the court
9 may proceed to act on the petition, may order the department or the Milwaukee
10 County child welfare district, in a county having a population of 500,000 or more, or
11 the county department to conduct an investigation as described under par. (a)
12 (intro.), or may order the department in a county having a population of less than
13 500,000 or a licensed child welfare agency to make the investigation if the
14 department or child welfare agency consents.

15 **SECTION 79.** 48.89 (1) of the statutes is amended to read:

16 48.89 (1) The recommendation of the department is required for the adoption
17 of a child if the child is not under the guardianship of a county department under s.
18 48.57 (1) (e) or (hm), the Milwaukee County child welfare district, or a child welfare
19 agency under s. 48.61 (5).

20 **SECTION 80.** 48.89 (3) of the statutes is amended to read:

21 48.89 (3) The recommendation of the department shall not be required if the
22 recommendation of the department, a licensed child welfare agency, the Milwaukee
23 County child welfare district, or a county department under s. 48.57 (1) (e) or (hm)
24 is required by s. 48.841, if a report of an investigation by the department, a county
25 department under s. 48.57 (1) (e) or (hm), the Milwaukee County child welfare

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1 district, or a licensed child welfare agency is required by s. 48.88 (2) (a) 2., or if one
2 of the petitioners is a relative of the child.

3 **SECTION 81.** 48.95 of the statutes is amended to read:

4 **48.95 Withdrawal or denial of petition.** Except as provided under s. 48.839
5 (3) (b), if the petition is withdrawn or denied, the circuit court shall order the case
6 transferred to the court assigned to exercise jurisdiction under this chapter and ch.
7 938 for appropriate action, except that if parental rights have been terminated and
8 the guardian of the minor is the department, a licensed child welfare agency, the
9 Milwaukee County child welfare district, or a county department under s. 48.57 (1)
10 (e) or (hm), the minor shall remain in the legal custody of the guardian.

11 **SECTION 82.** 48.977 (4) (a) 7m. of the statutes is created to read:

12 48.977 (4) (a) 7m. The Milwaukee County child welfare district.

13 **SECTION 83.** 48.981 (1) (ag) of the statutes is amended to read:

14 48.981 (1) (ag) “Agency” means a county department, the department in a
15 county having a population of 500,000 or more ~~or~~, a licensed child welfare agency
16 under contract with a county department ~~or the department in a county having a~~
17 ~~population of 500,000 or more~~ to perform investigations under this section, or, if
18 contracted by the department to perform investigations under this section in a
19 county having a population of 500,000 or more, a licensed child welfare agency or the
20 Milwaukee County child welfare district.

21 **SECTION 84.** 48.981 (3) (a) of the statutes, as affected by 2001 Wisconsin Act 16,
22 is amended to read:

23 48.981 (3) (a) *Referral of report.* 1. A person required to report under sub. (2)
24 shall immediately inform, by telephone or personally, the county department or, in
25 a county having a population of 500,000 or more, the department or ~~a licensed child~~

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1 welfare agency under contract with the department or the sheriff or city, village, or
2 town police department of the facts and circumstances contributing to a suspicion of
3 child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will
4 occur.

5 2. The sheriff or police department shall within 12 hours, exclusive of
6 Saturdays, Sundays, or legal holidays, refer to the county department or, in a county
7 having a population of 500,000 or more, the department or ~~a licensed child welfare~~
8 agency under contract with the department all cases reported to it. The county
9 department, department, or licensed child welfare agency may require that a
10 subsequent report be made in writing.

11 3. A county department, the department, or ~~a licensed child welfare~~ agency
12 under contract with the department shall within 12 hours, exclusive of Saturdays,
13 Sundays, or legal holidays, refer to the sheriff or police department all cases of
14 suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For
15 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am), or (gm),
16 or neglect, each county department, the department, and ~~a licensed child welfare~~ an
17 agency under contract with the department shall adopt a written policy specifying
18 the kinds of reports it will routinely report to local law enforcement authorities.

19 4. If the report is of suspected or threatened abuse, as defined in s. 48.02 (1) (b)
20 to (f), the sheriff or police department and the county department, department, or
21 ~~licensed child welfare~~ agency under contract with the department shall coordinate
22 the planning and execution of the investigation of the report.

23 **SECTION 85.** 48.981 (3) (c) 2. a. of the statutes is amended to read:

24 48.981 (3) (c) 2. a. If the person making the investigation is an employee of the
25 county department or, in a county having a population of 500,000 or more, the

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1 department or ~~a licensed child welfare~~ agency under contract with the department
2 and he or she determines that it is consistent with the child's best interest in terms
3 of physical safety and physical health to remove the child from his or her home for
4 immediate protection, he or she shall take the child into custody under s. 48.08 (2)
5 or 48.19 (1) (c) and deliver the child to the intake worker under s. 48.20.

6 **SECTION 86.** 48.981 (3) (c) 2m. a. of the statutes is amended to read:

7 48.981 (3) (c) 2m. a. If the person making the investigation is an employee of
8 the county department or, in a county having a population of 500,000 or more, the
9 department or ~~a licensed child welfare~~ agency under contract with the department
10 and he or she determines that it is consistent with the best interest of the unborn
11 child in terms of physical safety and physical health to take the expectant mother
12 into custody for the immediate protection of the unborn child, he or she shall take the
13 expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm),¹ or 48.193 (1) (c) and
14 deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

15 **SECTION 87.** 48.981 (3) (c) 3. of the statutes is amended to read:

16 48.981 (3) (c) 3. If the county department or, in a county having a population
17 of 500,000 or more, the department or ~~a licensed child welfare~~ agency under contract
18 with the department determines that a child, any member of the child's family, or the
19 child's guardian or legal custodian is in need of services or that the expectant mother
20 of an unborn child is in need of services, the county department,² or department or
21 ~~licensed child welfare~~ agency shall offer to provide appropriate services or to make
22 arrangements for the provision of services. If the child's parent, guardian,¹ or legal
23 custodian or the expectant mother refuses to accept the services, the county
24 department,² or department or ~~licensed child welfare~~ agency may request that a
25 petition be filed under s. 48.13 alleging that the child who is the subject of the report

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1 or any other child in the home is in need of protection or services or that a petition
2 be filed under s. 48.133 alleging that the unborn child who is the subject of the report
3 is in need of protection or services.

4 **SECTION 88.** 48.981 (3) (c) 4. of the statutes is amended to read:

5 48.981 (3) (c) 4. The county department or, in a county having a population of
6 500,000 or more, the department or ~~a licensed child welfare~~ agency under contract
7 with the department shall determine, within 60 days after receipt of a report,
8 whether abuse or neglect has occurred or is likely to occur. The determination shall
9 be based on a preponderance of the evidence produced by the investigation. A
10 determination that abuse or neglect has occurred may not be based solely on the fact
11 that the child's parent, guardian, or legal custodian in good faith selects and relies
12 on prayer or other religious means for treatment of disease or for remedial care of the
13 child. In making a determination that emotional damage has occurred, the county
14 department or, in a county having a population of 500,000 or more, the department
15 or ~~a licensed child welfare~~ agency under contract with the department shall give due
16 regard to the culture of the subjects. This subdivision does not prohibit a court from
17 ordering medical services for the child if the child's health requires it.

18 **SECTION 89.** 48.981 (3) (c) 5m. of the statutes is amended to read:

19 48.981 (3) (c) 5m. If the county department or, in a county having a population
20 of 500,000 or more, the department or ~~a licensed child welfare~~ agency under contract
21 with the department determines under subd. 4. that a specific person has abused or
22 neglected a child, the county department, or department or ~~licensed child welfare~~
23 agency, within 15 days after the date of the determination, shall notify the person in
24 writing of the determination, the person's right to appeal the determination, and the
25 procedure by which the person may appeal the determination, and the person may

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1 appeal the determination in accordance with the procedures established by the
2 department under this subdivision. The department shall promulgate rules
3 establishing procedures for conducting an appeal under this subdivision. Those
4 procedures shall include a procedure permitting an appeal under this subdivision to
5 be held in abeyance pending the outcome of any criminal proceedings or any
6 proceedings under s. 48.13 based on the alleged abuse or neglect or the outcome of
7 any investigation that may lead to the filing of a criminal complaint or a petition
8 under s. 48.13 based on the alleged abuse or neglect.

9 **SECTION 90.** 48.981 (3) (c) 7. of the statutes is amended to read:

10 48.981 (3) (c) 7. The county department or, in a county having a population of
11 500,000 or more, the department or ~~a licensed child welfare~~ agency under contract
12 with the department shall cooperate with law enforcement officials, courts of
13 competent jurisdiction, tribal governments, and other human services agencies to
14 prevent, identify, and treat child abuse and neglect and unborn child abuse. The
15 county department or, in a county having a population of 500,000 or more, the
16 department or ~~a licensed child welfare~~ agency under contract with the department
17 shall coordinate the development and provision of services to abused and neglected
18 children, to abused unborn children to families in which child abuse or neglect has
19 occurred, to expectant mothers who have abused their unborn children, to children
20 and families when circumstances justify a belief that abuse or neglect will occur, and
21 to the expectant mothers of unborn children when circumstances justify a belief that
22 unborn child abuse will occur.

23 **SECTION 91.** 48.981 (3) (c) 8. of the statutes is amended to read:

24 48.981 (3) (c) 8. Using the format prescribed by the department, each county
25 department shall provide the department with information about each report that

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1 the county department receives or that is received by a licensed child welfare agency
2 that is under contract with the county department and about each investigation that
3 the county department or a licensed child welfare agency under contract with the
4 county department conducts. Using the format prescribed by the department, ~~a~~
5 ~~licensed child welfare~~ an agency under contract with the department shall provide
6 the department with information about each report that the ~~child welfare~~ agency
7 receives and about each investigation that the ~~child welfare~~ agency conducts. This
8 information shall be used by the department to monitor services provided by county
9 departments or ~~licensed child welfare~~ agencies under contract with county
10 departments or the department. The department shall use nonidentifying
11 information to maintain statewide statistics on child abuse and neglect and on
12 unborn child abuse, and for planning and policy development purposes.

13 **SECTION 92.** 48.981 (3) (cm) of the statutes is amended to read:

14 48.981 (3) (cm) ~~Contract with licensed child welfare agencies.~~ Contract with
15 agencies. A county department may contract with a licensed child welfare agency to
16 fulfill the county department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 6.,
17 6m., and 8. The department may contract with a licensed child welfare agency or
18 with the Milwaukee County child welfare district to fulfill the department's duties
19 specified under par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 6., 6m., 7., 8., and 9. in a county
20 having a population of 500,000 or more. The confidentiality provisions specified in
21 sub. (7) shall apply to any licensed child welfare agency with which a county
22 department or the department contracts and to the Milwaukee County child welfare
23 district, if the department contracts with the district.

24 **SECTION 93.** 48.981 (3) (d) of the statutes is amended to read:

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1 48.981 (3) (d) *Independent investigation.* 1. In this paragraph, “agent”
2 includes, but is not limited to, a foster parent, treatment foster parent, or other
3 person given custody of a child or a human services professional employed by a
4 county department under s. 51.42 or 51.437 or by ~~a child welfare~~ an agency who is
5 working with a child or an expectant mother of an unborn child under contract with
6 or under the supervision of the department in a county having a population of
7 500,000 or more or a county department under s. 46.22.

8 2. If an agent or employee of an agency required to investigate under this
9 subsection is the subject of a report, or if the agency determines that, because of the
10 relationship between the agency and the subject of a report, there is a substantial
11 probability that the agency would not conduct an unbiased investigation, the agency
12 shall, after taking any action necessary to protect the child or unborn child, notify
13 the department. Upon receipt of the notice, the department, in a county having a
14 population of less than 500,000, or ~~a county department or child welfare~~ an agency
15 designated by the department in any county shall conduct an independent
16 investigation. If the department designates a county department under s. 46.22,
17 46.23, 51.42, or 51.437, that county department shall conduct the independent
18 investigation. If a licensed child welfare agency or the Milwaukee County child
19 welfare district agrees to conduct the independent investigation, the department
20 may designate the child welfare agency or district to do so. The powers and duties
21 of the department or designated ~~county department or child welfare~~ agency making
22 an independent investigation are those given to county departments under par. (c).

23 **SECTION 94.** 48.981 (5) of the statutes is amended to read:

24 48.981 (5) CORONER'S REPORT. Any person or official required to report cases of
25 suspected child abuse or neglect who has reasonable cause to suspect that a child

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1 died as a result of child abuse or neglect shall report the fact to the appropriate
2 medical examiner or coroner. The medical examiner or coroner shall accept the
3 report for investigation and shall report the findings to the appropriate district
4 attorney; to the county department; or, in a county having a population of 500,000
5 or more, to ~~a licensed child welfare~~ the department or an agency under contract with
6 the department; ~~to the county department~~ and, if the institution making the report
7 initially is a hospital, to the hospital.

8 **SECTION 95.** 48.981 (7) (a) 5. of the statutes is amended to read:

9 48.981 (7) (a) 5. A professional employee of a county department under s. 51.42
10 or 51.437 who is working with the child or the expectant mother of the unborn child
11 under contract with or under the supervision of the county department under s. 46.22
12 or, in a county having a population of 500,000 or more, the department or ~~a licensed~~
13 ~~child welfare~~ agency under contract with the department.

14 **SECTION 96.** 48.981 (7) (a) 6. of the statutes is amended to read:

15 48.981 (7) (a) 6. A multidisciplinary child abuse and neglect or unborn child
16 abuse team recognized by the county department or, in a county having a population
17 of 500,000 or more, the department or ~~a licensed child welfare~~ agency under contract
18 with the department.

19 **SECTION 97.** 48.981 (7) (a) 6m. of the statutes is amended to read:

20 48.981 (7) (a) 6m. A person employed by a child advocacy center recognized by
21 the county board, the county department or, in a county having a population of
22 500,000 or more, the department or ~~a licensed child welfare~~ agency under contract
23 with the department, to the extent necessary to perform the services for which the
24 center is recognized by the county board, the county department, the department, or
25 the ~~licensed child welfare~~ agency.

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1 **SECTION 98.** 48.981 (7) (a) 13. of the statutes is amended to read:

2 48.981 (7) (a) 13. The department, a county department under s. 48.57 (1) (e)
3 or (hm), the Milwaukee County child welfare district, or a licensed child welfare
4 agency ordered to conduct a screening or an investigation of a stepparent under s.
5 48.88 (2) (c).

6 **SECTION 99.** 48.981 (7) (a) 15. of the statutes is amended to read:

7 48.981 (7) (a) 15. A child fatality review team recognized by the county
8 department or, in a county having a population of 500,000 or more, the department
9 or ~~a licensed child welfare~~ agency under contract with the department.

10 **SECTION 100.** 48.981 (8) (a) of the statutes, as affected by 2001 Wisconsin Act
11 16, is amended to read:

12 48.981 (8) (a) The department, the county departments, and ~~a licensed child~~
13 ~~welfare~~ an agency under contract with the department in a county having a
14 population of 500,000 or more to the extent feasible shall conduct continuing
15 education and training programs for staff of the department, the county
16 departments, ~~licensed child welfare~~ the agencies under contract with the
17 department or a county department, law enforcement agencies, and the tribal social
18 services departments, persons, and officials required to report, the general public,
19 and others as appropriate. The programs shall be designed to encourage reporting
20 of child abuse and neglect and of unborn child abuse, to encourage self-reporting and
21 voluntary acceptance of services and to improve communication, cooperation, and
22 coordination in the identification, prevention, and treatment of child abuse and
23 neglect and of unborn child abuse. Programs provided for staff of the department,
24 county departments, and ~~licensed child welfare~~ agencies under contract with county
25 departments or the department whose responsibilities include the investigation or

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1 treatment of child abuse or neglect shall also be designed to provide information on
2 means of recognizing and appropriately responding to domestic abuse, as defined in
3 s. 46.95 (1) (a). The department, the county departments, and ~~a licensed child~~
4 ~~welfare~~ an agency under contract with the department in a county having a
5 population of 500,000 or more shall develop public information programs about child
6 abuse and neglect and about unborn child abuse.

7 **SECTION 101.** 48.981 (8) (c) of the statutes is amended to read:

8 48.981 **(8)** (c) In meeting its responsibilities under par. (a) or (b), the
9 department, a county department, or ~~a licensed child welfare~~ an agency under
10 contract with the department in a county having a population of 500,000 or more may
11 contract with any public or private organization ~~which~~ that meets the standards set
12 by the department. In entering into the contracts the department, county
13 department, or ~~licensed child welfare~~ agency shall give priority to parental
14 organizations combating child abuse and neglect or unborn child abuse.

15 **SECTION 102.** 66.0301 (1) (a) of the statutes, as affected by 2001 Wisconsin Act
16 16, is amended to read:

17 66.0301 **(1)** (a) In this section “municipality” means the state or any
18 department or agency thereof, or of the state, any city, village, town, county, school
19 district, public library system, public inland lake protection and rehabilitation
20 district, sanitary district, farm drainage district, metropolitan sewerage district,
21 sewer utility district, solid waste management system created under s. 59.70 (2),
22 local exposition district created under subch. II of ch. 229, local professional baseball
23 park district created under subch. III of ch. 229, local professional football stadium
24 district created under subch. IV of ch. 229, a local cultural arts district created under
25 subch. V of ch. 229, family care district under s. 46.2895, water utility district,

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1 mosquito control district, municipal electric company, county or city transit
2 commission, commission created by contract under this section, taxation district,
3 regional planning commission, or city–county health department, or the Milwaukee
4 County child welfare district under s. 48.562.

5 **SECTION 103.** 69.30 (1) (bg) of the statutes is created to read:

6 69.30 (1) (bg) “Milwaukee County child welfare district” means the Milwaukee
7 County child welfare district created under s. 48.562.

8 **SECTION 104.** 69.30 (2) of the statutes is amended to read:

9 69.30 (2) A financial institution, a state agency, a county department, a
10 Wisconsin works agency, a service office ~~or~~, a family care district, or the Milwaukee
11 County child welfare district or an employee of a financial institution, a state agency,
12 a county department, a Wisconsin works agency, a service office ~~or~~, a family care
13 district, or the Milwaukee County child welfare district is not subject to s. 69.24 (1)
14 (a) for copying a certified copy of a vital record for use by the financial institution,
15 state agency, county department, Wisconsin works agency, service office ~~or~~, family
16 care district, or Milwaukee County child welfare district, including use under s.
17 45.36 (4m), if the copy is marked “FOR ADMINISTRATIVE USE”.”

18 **SECTION 105.** 70.11 (2) of the statutes is amended to read:

19 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.
20 Property owned by any county, city, village, town, school district, technical college
21 district, public inland lake protection and rehabilitation district, metropolitan
22 sewerage district, municipal water district created under s. 198.22, joint local water
23 authority created under s. 66.0823, family care district under s. 46.2895, or town
24 sanitary district; property owned by the Milwaukee County child welfare district
25 under s. 48.562; lands belonging to cities of any other state used for public parks; land

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1 tax-deeded to any county or city before January 2; but any residence located upon
2 property owned by the county for park purposes that is rented out by the county for
3 a nonpark purpose shall not be exempt from taxation. Except as to land acquired
4 under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after
5 August 17, 1961, to any such governmental unit or for its benefit while the grantor
6 or others for his or her benefit are permitted to occupy the land or part thereof in
7 consideration for the conveyance. Leasing the property exempt under this
8 subsection, regardless of the lessee and the use of the leasehold income, does not
9 render that property taxable.

10 **SECTION 106.** 71.26 (1) (b) of the statutes is amended to read:

11 71.26 (1) (b) *Political units.* Income received by the United States, the state,
12 the Milwaukee County child welfare district under s. 48.562, and all counties, cities,
13 villages, towns, school districts, technical college districts, joint local water
14 authorities created under s. 66.0823, family care districts under s. 46.2895, or other
15 political units of this state.

16 **SECTION 107.** 101.01 (4) of the statutes is amended to read:

17 101.01 (4) “Employer” means any person, firm, corporation, state, county,
18 town, city, village, school district, sewer district, drainage district, or family care
19 district ~~and, the Milwaukee County child welfare district, or any~~ other public or
20 quasi-public corporations corporation as well as any agent, manager,
21 representative, or other person having control or custody of any employment, place
22 of employment, or of any employee.

23 **SECTION 108.** 102.01 (2) (d) of the statutes is amended to read:

24 102.01 (2) (d) “Municipality” includes a county, city, town, village, school
25 district, sewer district, drainage district ~~and, or~~ family care district ~~and, the~~

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1 Milwaukee County child welfare district, or any other public or quasi-public
2 corporations corporation.

3 **SECTION 109.** 102.04 (1) (a) of the statutes is amended to read:

4 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
5 district, drainage district, or family care district and, the Milwaukee County child
6 welfare district, or any other public or quasi-public corporations therein corporation.

7 **SECTION 110.** 103.001 (6) of the statutes is amended to read:

8 103.001 (6) “Employer” means any person, firm, corporation, state, county,
9 town, city, village, school district, sewer district, drainage district, or family care
10 district and, the Milwaukee County child welfare district, or any other public or
11 quasi-public corporations corporation as well as any agent, manager,
12 representative, or other person having control or custody of any employment, place
13 of employment, or of any employee.

14 **SECTION 111.** 111.70 (1) (j) of the statutes, as affected by 2001 Wisconsin Act
15 16, is amended to read:

16 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
17 metropolitan sewerage district, school district, or family care district, the Milwaukee
18 County child welfare district, or any other political subdivision of the state, or
19 instrumentality of one or more political subdivisions of the state, that engages the
20 services of an employee and includes any person acting on behalf of a municipal
21 employer within the scope of the person’s authority, express or implied, but
22 specifically does not include a local cultural arts district created under subch. V of
23 ch. 229.

24 **SECTION 112.** 118.17 of the statutes is amended to read:

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1 **118.17 Indigent children.** The principal or teacher in charge of any public
2 school shall report to the county department under s. ~~46.215, 46.22 or 46.23~~ for the
3 county ~~wherein~~ in which the school is situated or, in a county having a population
4 of 500,000 or more, to the department of health and family services or the Milwaukee
5 County child welfare district the name and address of any child in the school whose
6 parent, guardian, or other person having control, charge, or custody of the child is
7 without sufficient means to furnish the child with food or clothing necessary to
8 enable the child to attend school.

9 **SECTION 113.** 632.745 (6) (a) 2p. of the statutes is created to read:

10 632.745 **(6)** (a) 2p. The Milwaukee County child welfare district under s.
11 48.562.

12 **SECTION 114.** 632.896 (1) (c) 1. of the statutes is amended to read:

13 632.896 **(1)** (c) 1. The department, a county department under s. 48.57 (1) (e)
14 or (hm), the Milwaukee County child welfare district, or a child welfare agency
15 licensed under s. 48.60 places a child in the insured's home for adoption and enters
16 into an agreement under s. 48.833 with the insured.

17 **SECTION 115.** 767.001 (2) (b) of the statutes is amended to read:

18 767.001 **(2)** (b) With respect to the department of health and family services
19 ~~or~~, a county agency specified in s. 48.56 (1), the Milwaukee County child welfare
20 district, or a licensed child welfare agency granted legal custody of a child, the rights
21 and responsibilities specified under s. 48.02 (12).

22 **SECTION 116.** 767.24 (3) (a) of the statutes is amended to read:

23 767.24 **(3)** (a) If the interest of any child demands it, and if the court finds that
24 neither parent is able to care for the child adequately or that neither parent is fit and
25 proper to have the care and custody of the child, the court may declare the child to

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1 be in need of protection or services and transfer legal custody of the child to a relative
2 of the child, as defined in s. 48.02 (15), to the department of health and family
3 services, to a county department, as defined under s. 48.02 (2g), to the Milwaukee
4 County child welfare district, or to a licensed child welfare agency. If the court
5 transfers legal custody of a child under this subsection, in its order the court shall
6 notify the parents of any applicable grounds for termination of parental rights under
7 s. 48.415.

8 **SECTION 117.** 809.105 (13) of the statutes is amended to read:

9 **809.105 (13) CERTAIN PERSONS BARRED FROM PROCEEDINGS.** No parent, or
10 guardian or legal custodian, if one has been appointed, or foster parent or treatment
11 foster parent, if the minor has been placed in a foster home or treatment foster home,
12 and the minor's parent has signed a waiver granting the department of health and
13 family services, a county department under s. 46.215, 46.22, or 46.23, the Milwaukee
14 County child welfare district, the foster parent or the treatment foster parent the
15 authority to consent to medical services or treatment on behalf of the minor, or adult
16 family member, as defined in s. 48.375 (2) (b), of any minor who has initiated an
17 appeal under this section may attend or intervene in any proceeding under this
18 section.

19 **SECTION 118.** 938.355 (2b) of the statutes is amended to read:

20 **938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED.** A county
21 department that provides social services or the agency primarily responsible for
22 providing services to a juvenile under a court order may, at the same time as the
23 county department or agency is making the reasonable efforts required under sub.
24 (2) (b) 6., work with the department of health and family services, a county
25 department under s. 48.57 (1) (e) or (hm), the Milwaukee County child welfare

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1 district, or a child welfare agency licensed under s. 48.61 (5) in making reasonable
2 efforts to place the juvenile for adoption, with a guardian, or in some other
3 alternative permanent placement.

4 **SECTION 119.** 985.01 (1g) of the statutes is amended to read:

5 985.01 **(1g)** “Governing body” has the meaning given in s. 345.05 (1) (b) and
6 includes a family care district board under s. 46.2895 and the Milwaukee County
7 child welfare district board under s. 48.562.

8 **SECTION 120.** 985.01 (3) of the statutes is amended to read:

9 985.01 **(3)** “Municipality” has the meaning in s. 345.05 (1) (c) and includes a
10 family care district under s. 46.2895 and the Milwaukee County child welfare district
11 under s. 48.562.

12 **SECTION 121. Effective dates.** This act takes effect on the day after
13 publication, except as follows:

14 (1) The repeal and recreation of section 40.02 (28) of the statutes takes effect
15 on January 1, 2010.

16 (END)