

2001 DRAFTING REQUEST

Bill

Received: 10/03/2001

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Gary George (608) 266-2500

By/Representing: Dan Rossmiller

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - child welfare

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Milwaukee child welfare district; creation of

Instructions:

Redraft LRBb0898/2, which would have created a Milwaukee child welfare district, as a bill.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typcd</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 10/31/2001	gilfokm 11/16/2001 gilfokm 12/03/2001 rschluct 12/07/2001		_____			S&L Retire
/1			kfollet 12/07/2001	_____	lrb_docadmin 12/07/2001	lrb_docadmin 02/28/2002	

FE Sent For:  At Intro.

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-3943/1

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By/Representing: Dan Rossmiller

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/?	malaigm	 10-31-1	 R/7	 10/1/01 8/2/01			
FE Sent For:		11-12/3 					

<END>

Creation of Child Welfare Districts

This proposal would create a special purpose district in Milwaukee County for the purpose of providing child protection and child welfare services, foster care licensing and supervision, and adoption services. The district will be termed the Milwaukee County Child Welfare district, and will be separate and distinct from, and independent of, the state and Milwaukee County, if the Milwaukee County Board (or the Legislature): (a) adopts an enabling resolution (or legislation) that establishes the child welfare district and specifies the district's primary purpose, which is to operate under contract with DHFS to provide child protective and child welfare services, foster care licensing and supervision, and adoption services; and (b) files copies of the enabling resolution (or legislation) with DOA, DHFS and DOR. The legislation would specify that the jurisdiction of the Milwaukee County child welfare district would be Milwaukee County.

Board Members. Specify that the Milwaukee County Executive would appoint child welfare district board members. Specify that the child welfare district board would consist of 15 persons who are residents of the County. Require board members to reflect the ethnic and economic diversity of the child welfare district, and specify that at least one-quarter of the board members must be either representative of the client group(s) (e.g., foster parents, adoptive families) or family members or advocates for children and families who will be served by the district. Prohibit elected or appointed officials and employees of the county or counties that created the child welfare district from being board members and prohibit members from having a private, financial interest in any contract or other business of the child welfare district.

Specify that board members would serve five-year terms and could serve up to two consecutive terms. The initial board appointments would be staggered. Specify that board members could be removed for cause by the Executive. Specify that if a vacancy occurs in the position of any appointed member of the Milwaukee County child welfare district board, the Executive would appoint a person who meets applicable requirements to serve for the residue of the unexpired term. As soon as possible after the appointment of the initial members of the Milwaukee County child welfare district board, the board would organize for the transaction of business and elect a chairperson and other officers. The presence of a majority of board members would represent a quorum, and the board may act based on the affirmative vote of a majority of a quorum.

Powers. Provide the Milwaukee County child welfare district the powers necessary and convenient to carry out the operation of the child welfare district and authorize the district to: (a) adopt an official seal; (b) adopt bylaws and policies and procedures for the regulation of its affairs and the conduct of business that are consistent with state laws and regulations, (c) sue and be sued; (d) negotiate and enter into leases or contracts; (e) provide direct services to children

and families, in addition to contracted services; (f) acquire, construct, and maintain, facilities needed to operate the child welfare district; (g) hire and pay employees, fix and regulate compensation and provide employee benefits; (h) mortgage, pledge or otherwise encumber the districts property or funds; (i) buy, sell or lease property, including real estate; (j) invest funds in a financial institution in either an interest-bearing escrow account or a time deposit of two or fewer years or invest in bonds or securities guaranteed by the federal government or its agents; (k)-create a risk reserve or other special reserve, (l) accept aid, including loans, from any local, state, or federal governmental agency or accept gifts, loans, grants or bequests from individuals or entities; and (m) make and execute other instruments necessary or convenient to exercise the powers of the child welfare district. Prohibit the child welfare district from issuing bonds or levying a tax or assessment.

Duties. Require the Milwaukee County child welfare district to: (a) appoint a director to hold office at the pleasure of the child welfare district board, (b) develop and implement a personnel structure and other employment policies for employees of the child welfare district; (c) assure compliance with the terms of any contract with DHFS; (d) establish a fiscal operating year and annually adopt a budget for the child welfare district; (e) contract for any legal services required for the child welfare district; and (f) procure liability insurance covering its officers, employees and agents, insurance against any loss in connection with its property and other assets and other necessary insurance; establish and administer a plan of self-insurance; or participate in a governmental plan of insurance or self-insurance. In order to fulfill these duties, the Milwaukee County child welfare district would enjoy the same authority and privileges, and would be subject to the same statutes and administrative rules as those governing county departments providing child welfare services.

Duties of Director. Require a director to: (a) manage the property and business of the Milwaukee County child welfare district, subject to the general control of the board; (b) comply with the bylaws and direct enforcement of all policies and procedures adopted by the board; (c) perform other duties prescribed by the board.

Employment and Employee Benefits of Certain Employees. Specify that if the Milwaukee County child welfare district offers employment to any person who was previously employed by Milwaukee County in a capacity substantially similar to the offered employment, the district would comply with the following requirements: (a) initially provide the same compensation and benefits that the employee received as a county employee; (b) recognize all years of service with the county for any benefit provided or program operated by the district for which years of service affect the benefit; and (c) for employees who were under a collective bargaining agreement at the starting date of employment with the child welfare district, abide by the terms of that agreement until it expires or the district adopts a collective bargaining agreement with its employees, whichever occurs first.

Specify that if a county has not established its own retirement systems the district must adopt a resolution to be part of the Wisconsin Retirement System. For counties with their own retirement system, require the county board to allow district employees to be part of the county's retirement system. Specify that, subject to terms of any applicable bargaining unit, child welfare district

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4002 (28) ?
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employees are eligible to receive health care coverage under any county health insurance plan and participate in any deferred compensation or other benefit plan offered to county employees.

Treatment of the Milwaukee County Child Welfare District as a Special Purpose District.

Specify that the Milwaukee County child welfare district would be subjected to many of the same requirements covering other public entities, including open records laws, open meetings laws, requirements for the publication of legal notices, and auditing by the Legislative Audit Bureau and performance reviews by the joint Legislative Audit Committee. Require the Milwaukee County child welfare district to comply with the same collective bargaining rules that would allow employees of the child welfare district to organize and seek to establish all terms of wages, hours and conditions of employment through collective bargaining.

Specify that the Milwaukee County child welfare district would be subject to regulations affecting both private and public entities. Require the child welfare district to comply with employer regulations, such as the family and medical leave laws, hours of work and overtime and worker's compensation laws. Include the child welfare district in the definition of "employer" for purposes of coverage for group and individual health benefits and for small employer health insurance. Include the child welfare district in the definition of "governmental bodies" as it relates to the state's open meeting law. Specify that the child welfare district would be subject to laws regulating buildings and safety.

Provide the Milwaukee County child welfare district a number of advantages shared by governmental entities by: (a) exempting the child welfare district from local property taxation and the state corporate income and franchise taxes, (b) authorizing the child welfare district to participate in the Wisconsin Retirement System, including disability coverage, local group health insurance, state deferred compensation program, state income continuation program and be included as a coverage group under social security; (c) authorizing the child welfare district to contract with other local units of government and with federally recognized American Indian tribes and bands in Wisconsin for the receipt or furnishing of services or the joint exercise of required or authorized powers or duties; and (d) permitting the child welfare district to copy vital records for internal use as long as the copies were marked "for administrative use."

Specify that the obligations and debts of the Milwaukee County child welfare district are not obligations or debts of Milwaukee County. Authorize Milwaukee County to appropriate monies to the district as a gift or loan. Authorize the Milwaukee County child welfare district to participate in the local government pooled investment fund.

Specify that the Milwaukee County child welfare district could be dissolved by the joint action of the district board and the County board, subject to the performance of contract obligations and DHFS approval. Provide that if the Milwaukee County child welfare district were dissolved, the property of the child welfare district would be transferred to Milwaukee County. Require that the disposition of any risk reserve be made under the terms of the child welfare district's contract with DHFS.

2001

Date (time) needed

OLD

LRB-3943 11

BILL

JN 10/31/01
THAW #5

GMM : cs King

Due 12/7

Use the appropriate components and routines developed for bills.

AN ACT .. [generate catalog] to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ... of the

If possible

statutes; relating to: ~~Child Welfare~~ the creation of a Milwaukee County District to contract with the department of ~~Health and Family Services~~ to provide child welfare services in Milwaukee County.

[NOTE: See section 4.02 (2) (b), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

Insert A

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

SECTION #.

- 3943/1

2001 - 2002 LEGISLATURE

LRBb0898/2
GMM:wlj:pg

SDC:.....Keckhaver - CN1528, Creation of Milwaukee child welfare district

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS SENATE AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

as affected by 2001 Wisconsin Act 16,

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 18, line 8: delete lines 8 to 23 and substitute:

3 ^{auto. #} SECTION 13.94. 13.94 (4) (a) 1. of the statutes, is amended to read:

4 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
5 credentialing board, commission, independent agency, council, or office in the
6 executive branch of state government; all bodies created by the legislature in the
7 legislative or judicial branch of state government; any public body corporate and
8 politic created by the legislature including specifically the Fox River Navigational
9 System Authority, a professional baseball park district, a local professional football
10 stadium district, a local cultural arts district ~~and~~, a family care district ~~created~~ under

pkm { 8 }
9 }
10 }

Proof
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16

1 s. 46.2895, and the Milwaukee County child welfare district under s. 48.562; every
2 Wisconsin works agency under subch. III of ch. 49; every provider of medical
3 assistance under subch. IV of ch. 49; technical college district boards; development
4 zones designated under s. 560.71; every county department under s. 51.42 or 51.437;
5 every nonprofit corporation or cooperative to which moneys are specifically
6 appropriated by state law; and every corporation, institution, association, or other
7 organization ~~which~~ that receives more than 50% of its annual budget from
8 appropriations made by state law, including subgrantee or subcontractor recipients
9 of such funds.

auto #

10 SECTION ~~114i~~. 13.94 (4) (b) of the statutes is amended to read:

11 13.94 (4) (b) In performing audits of family care districts under s. 46.2895, the
12 Milwaukee County child welfare district under s. 48.562, Wisconsin works agencies
13 under subch. III of ch. 49, providers of medical assistance under subch. IV of ch. 49,
14 corporations, institutions, associations, or other organizations, and their
15 subgrantees or subcontractors, the legislative audit bureau shall audit only the
16 records and operations of such providers and organizations which pertain to the
17 receipt, disbursement, or other handling of appropriations made by state law.

18 ~~2. Page 90, line 6: after that line insert:~~

auto #

19 SECTION ~~380s~~. 17.13 (intro.) of the statutes is amended to read:

20 17.13 **Removal of village, town, town sanitary district, school district,**
21 **technical college and, ^{district} family care district, and Milwaukee County child**
22 **welfare district officers.** (intro.) Officers of towns, town sanitary districts,
23 villages, school districts, technical college districts ~~and~~ ^{plain} family care districts, ~~and the~~
24 Milwaukee County child welfare district may be removed as follows:

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of

1 ^{auto}~~SECTION 380t.~~ 17.13 (5) of the statutes is created to read:

2 17.13 (5) APPOINTIVE OFFICERS OF THE MILWAUKEE COUNTY CHILD WELFARE
3 DISTRICT. Any member of the Milwaukee County child welfare district board
4 appointed under s. 48.562 (3) (a), by the appointing authority for cause."m

5 ~~3. Page 90, line 8: after that line insert:~~

6 ~~SECTION 382c.~~ 17.27 (3p) of the statutes is created to read:

7 17.27 (3p) MILWAUKEE COUNTY CHILD WELFARE DISTRICT BOARD. If a vacancy
8 occurs in the position of any appointed member of the Milwaukee County child
9 welfare district board, the appointing authority shall appoint to serve for the residue
10 of the unexpired term a person who meets the applicable requirements under s.
11 48.562 (3) (b).m

12 ~~4. Page 90, line 9: delete "SECTION 382b" and substitute "SECTION 382d".~~

13 ~~5. Page 93, line 8: after that line insert:~~

14 ~~SECTION 382x.~~ 19.32 (1) of the statutes is amended to read:

15 19.32 (1) "Authority" means any of the following having custody of a record: a
16 state or local office, elected official, agency, board, commission, committee, council,
17 department⁽¹⁾ or public body corporate and politic created by constitution, law,
18 ordinance, rule⁽²⁾ or order; a governmental or quasi-governmental corporation except
19 for the Bradley center sports and entertainment corporation; a local exposition
20 district under subch. II of ch. 229; a family care district under s. 46.2895; the
21 Milwaukee County child welfare district under s. 48.562; any court of law; the
22 assembly or senate; a nonprofit corporation ~~which~~ that receives more than 50% of its
23 funds from a county or a municipality, as defined in s. 59.001 (3), and ~~which~~ that
24 provides services related to public health or safety to the county or municipality; a

1 nonprofit corporation operating the Olympic ice training center under s. 42.11 (3);
 2) or a formally constituted subunit of any of the foregoing. ~

3) ~~6. Page 93, line 21. after that line insert:~~

4) ~~SECTION 389t.~~ 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) ~~7. Page 473, line 10. after that line insert:~~

17) ~~SECTION 1129n.~~ 25.50 (1) (d) of the statutes is amended to read:

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

1 district under s. 48.562, any commission, committee, board, or officer of any
2 governmental subdivision of this state, any court of this state, other than the court
3 of appeals or the supreme court, or any authority created under s. 231.02, 233.02, or
4 234.02. *m*

5 ~~8. Page 533, line 2: after that line insert:~~

6 ~~"SECTION 1389e. 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act~~

7 ~~65, section 11,~~ is amended to read:

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

18 ~~SECTION 1389f. 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65,~~
19 ~~section 12, and 2001 Wisconsin Act (this act), is repealed and recreated to read:~~

20 40.02 (28) "Employer" means the state, including each state agency, any
21 county, city, village, town, school district, other governmental unit, or
22 instrumentality of 2 or more units of government now existing or hereafter created
23 within the state, any federated public library system established under s. 43.19
24 whose territory lies within a single county with a population of 500,000 or more, a

1 local exposition district created under subch. II of ch. 229, a family care district
2 created under s. 46.2895, and the Milwaukee County child welfare district created
3 under s. 48.562, except as provided under ss. 40.51 (7) and 40.61 (3). "Employer" does
4 not include a local cultural arts district created under subch. V of ch. 229. Each
5 employer shall be a separate legal jurisdiction for OASDHI purposes.

6 ~~SECTION 1589p.~~ 40.02 (36) of the statutes is amended to read:

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

9. ~~Page 576, line 21: after that line insert:~~

19 ~~SECTION 1577n.~~ 48.069 (2) of the statutes is amended to read:

20 48.069 (2) Except in a county having a population of 500,000 or more, licensed
21 child welfare agencies and the department shall provide services under this section
22 only upon the approval of the agency from whom services are requested. In a county
23 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." *m*

3 **10.** ~~Page 578, line 6:~~ after that line insert:

4 "SECTION ~~1617c.~~ 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, *(s)* 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 ~~1617s.~~** 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. *m*

23 **11.** ~~Page 580, line 10:~~ after that line insert:

24 "SECTION ~~1624g.~~ 48.562 of the statutes is created to read:

Insert
7-3

1 **48.562 Milwaukee County child welfare district.** (1) CREATION. The
2 county board of supervisors of a county having a population of 500,000 or more may
3 create a special purpose district that is termed the “Milwaukee County child welfare
4 district,” that is a local unit of government, that is separate and distinct from, and
5 independent of, the state and the county, and that has the powers and duties
6 specified in this section, if the county board does all of the following:

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

8 1. Establishes the Milwaukee County child welfare district.

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

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

13 (2) JURISDICTION. The Milwaukee County child welfare district’s jurisdiction
14 is the geographical area of ~~the county of the county board of supervisors that created~~
15 the district. Milwaukee County

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

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

1 2. Membership of the Milwaukee County child welfare district board shall
 2 reflect the ethnic and economic diversity of the area of jurisdiction of the district. No
 3 member of the board may be an elected or appointed official or employee of the county
 4 that created the district. No member of the board may have a private financial
 5 interest in or profit directly or indirectly from any contract or other business of the
 6 district.

7 (c) The members of the Milwaukee County child welfare district board shall
 8 serve 5-year terms. No member may serve more than 2 consecutive terms. Of the
 9 members first appointed, 5 shall be appointed for 3 years; 5 shall be appointed for
 10 4 years; and 5 shall be appointed for 5 years. A member shall serve until his or her
 11 successor is appointed, unless ^{the member is} removed for cause under s. 17.13. ^{the member is}

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

19 (4) POWERS. The Milwaukee County child welfare district has all the powers
 20 necessary or convenient ^{to carry out its primary purpose} to carry out the purposes specified in sub. (1) (a) 2, including
 21 ~~all the powers relating to the provision of child welfare services of a county~~
 22 ~~department providing child welfare services.~~ In addition to those powers, the district
 23 may do all of the following:

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

In a county having a population of 500,000 or more
department, by contract, authorizes the district to exercise its powers
to provide, under contract with the department, child welfare services under this chapter, including all the powers that the department relating to the provision of those services that the

in a county having a population of 500,000 or more

1

(b) Adopt bylaws, policies, and procedures for the regulation of its affairs and the conduct of its business. The bylaws, policies, and procedures shall comply with all state laws, rules, policies, and procedures governing the provision of child welfare services by ~~the~~ ^(the) county department, and with the terms of the district's contract with the department under par. (d).

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(c) Sue and be sued.

7

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

9

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

11

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

that person

13

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

14

18

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

19

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

21

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

23

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

24

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

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

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

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

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

✓ 15 (5) LIMITATION ON POWERS. The Milwaukee County child welfare district may
16 not issue bonds or levy a tax or assessment.

17 (6) DUTIES. The Milwaukee County child welfare district board shall do all of
18 the following:

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

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

22 (c) ~~Assure~~ ^{Ensure} compliance with the terms of any contract with the department
23 under sub. (4) (d).

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

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

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

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

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

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

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

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

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

1 adoption of a collective bargaining agreement with the district under subch. IV of ch.
2 111 covering the 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, ~~with respect to that individual~~ initially
10 provide that individual the same compensation and benefits that he or she received
11 while employed by the county. *that the individual had* *the individual*

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, ~~with respect to that individual~~, recognize all
16 years of service with the county for any benefit provided or program operated by the
17 district for which an employee's years of service may affect the provision of the
18 benefit or the operation of the program. *Milwaukee County child welfare*

19 ~~4. If the county has not established its own retirement system for county~~
20 ~~employees, adopt a resolution that the family care district be included within the~~
21 ~~provisions of the Wisconsin retirement system under s. 40.21 (1). In this resolution,~~
22 ~~the Milwaukee County child welfare district shall agree to recognize 100% of the~~
23 ~~prior creditable service of its employees earned by the employees while employed by~~
24 ~~the district.~~

Milwaukee County child welfare

1 (b) The county board of supervisors of the area of jurisdiction of the district
2 shall do all of the following: Provide

3 1. ~~the county has established its own retirement system for county~~
4 ~~employees, provide~~ that district employees are eligible to participate in the county
5 retirement system.

6 2. Provide that, subject to the terms of any applicable collective bargaining
7 agreement as provided in par. (a) 1., district employees are eligible to receive health
8 care coverage under any county health insurance plan that is offered to county
9 employees.

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

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

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

23 (11) ASSISTANCE TO MILWAUKEE COUNTY CHILD WELFARE DISTRICT. From moneys
24 in the county treasury that are not appropriated to some other purpose, the county
25 board of supervisors of the county that created the district may appropriate moneys

① to the ~~Milwaukee County child welfare~~ district as a gift or may lend moneys to the
2 district.

health and family services

3 (12) DISSOLUTION. Subject to the performance of its contractual obligations and

④ to prior approval by the secretary of ~~the Department~~, the Milwaukee County child
5 welfare district may be dissolved by ~~the~~ joint action of the district board and county

6 board of supervisors of the county that created the district. If the district is dissolved,
7 the property of the district shall be transferred to the county board of supervisors of

8 the county that created the district, [✓] except that [✓] if the district has funds in a risk
9 reserve, [✓] disposition of those funds shall be made under the terms of the district's

10 contract with the department. *~*

↓ ⑧
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~~12. Page 538, line 2: after that line insert:~~

~~SECTION 1636n.~~ 48.75 (1b) of the statutes is amended to read:

13 48.75 (1b) In this section, "public licensing agency" means a county
14 department or, in a county having a population of 500,000 or more, the department
15 or, with the approval of the department, the Milwaukee County child welfare district.

16 SECTION ~~1636p.~~ 48.78 (1) of the statutes is amended to read:

17 48.78 (1) In this section, unless otherwise qualified, "agency" means the
18 department, a county department, a licensed child welfare agency, the Milwaukee
19 County child welfare district, a licensed day care center, or a licensed maternity
20 hospital.

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21 SECTION ~~1651h.~~ 48.981 (1) (ag) of the statutes is amended to read:

22 48.981 (1) (ag) "Agency" means a county department, the department in a
23 county having a population of 500,000 or more ~~or~~, a licensed child welfare agency
24 under contract with a county department ~~or the department in a county having a~~

1 population of 500,000 or more to perform investigations under this section, or, if
 2 contracted by the department to perform investigations under this section in a
 3 county having a population of 500,000 or more, a licensed child welfare agency or the
 4 Milwaukee County child welfare district.

5 ~~13. Page 583, line 6: delete "a licensed child".~~

6 ~~14. Page 583, line 7: delete "welfare" and substitute "a licensed child welfare".~~

7 ~~15. Page 583, line 13: delete "a licensed child welfare" and substitute "a~~
 8 ~~licensed child welfare".~~

9 ~~16. Page 583, line 15: delete "licensed child welfare" and substitute "licensed~~
 10 ~~child welfare".~~

11 ~~17. Page 583, line 17: delete "a licensed child welfare".~~

12 ~~18. Page 583, line 22: delete "a licensed child welfare" and substitute "a~~
 13 ~~licensed child welfare".~~

14 ~~19. Page 584, line 3: delete "licensed child welfare".~~

15 ~~20. Page 584, line 13: delete lines 13 to 25.~~

16 ~~21. Page 585, line 1: delete lines 1 to 9 and substitute:~~

17 ~~SECTION 1651~~ **48.981 (3) (c) 2. a.** of the statutes is amended to read:

18 48.981 (3) (c) 2. a. If the person making the investigation is an employee of the
 19 county department or, in a county having a population of 500,000 or more, the
 20 department or [↓] a licensed child welfare agency under contract with the department
 21 and he or she determines that it is consistent with the child's best interest in terms
 22 of physical safety and physical health to remove the child from his or her home for

Insert
15-16

1 immediate protection, he or she shall take the child into custody under s. 48.08 (2)
2 or 48.19 (1) (c) and deliver the child to the intake worker under s. 48.20.

3 ~~SECTION 1651td.~~ 48.981 (3) (c) 2m. a. of the statutes is amended to read:

4 48.981 (3) (c) 2m. a. If the person making the investigation is an employee of
5 the county department or, in a county having a population of 500,000 or more, the
6 department or a licensed child welfare agency under contract with the department
7 and he or she determines that it is consistent with the best interest of the unborn
8 child in terms of physical safety and physical health to take the expectant mother
9 into custody for the immediate protection of the unborn child, he or she shall take the
10 expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm), or 48.193 (1) (c) and
11 deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

12 ~~SECTION 1651tf.~~ 48.981 (3) (c) 3. of the statutes is amended to read:

13 48.981 (3) (c) 3. If the county department or, in a county having a population
14 of 500,000 or more, the department or a licensed child welfare agency under contract
15 with the department determines that a child, any member of the child's family, or the
16 child's guardian or legal custodian is in need of services or that the expectant mother
17 of an unborn child is in need of services, the county department, or department or
18 licensed child welfare agency shall offer to provide appropriate services or to make
19 arrangements for the provision of services. If the child's parent, guardian, or legal
20 custodian or the expectant mother refuses to accept the services, the county
21 department, or department or licensed child welfare agency may request that a
22 petition be filed under s. 48.13 alleging that the child who is the subject of the report
23 or any other child in the home is in need of protection or services or that a petition
24 be filed under s. 48.133 alleging that the unborn child who is the subject of the report
25 is in need of protection or services.

1 **SECTION ~~1651h~~**. 48.981 (3) (c) 4. of the statutes is amended to read:

2 48.981 (3) (c) 4. The county department or, in a county having a population of
3 500,000 or more, the department or ~~a licensed child welfare~~ agency under contract
4 with the department shall determine, within 60 days after receipt of a report,
5 whether abuse or neglect has occurred or is likely to occur. The determination shall
6 be based on a preponderance of the evidence produced by the investigation. A
7 determination that abuse or neglect has occurred may not be based solely on the fact
8 that the child's parent, guardian, or legal custodian in good faith selects and relies
9 on prayer or other religious means for treatment of disease or for remedial care of the
10 child. In making a determination that emotional damage has occurred, the county
11 department or, in a county having a population of 500,000 or more, the department
12 or ~~a licensed child welfare~~ agency under contract with the department shall give due
13 regard to the culture of the subjects. This subdivision does not prohibit a court from
14 ordering medical services for the child if the child's health requires it.

15 **SECTION ~~1651j~~**. 48.981 (3) (c) 5m. of the statutes is amended to read:

16 48.981 (3) (c) 5m. 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 under subd. 4. that a specific person has abused or
19 neglected a child, the county department, or department or ~~licensed child welfare~~
20 agency, within 15 days after the date of the determination, shall notify the person in
21 writing of the determination, the person's right to appeal the determination, and the
22 procedure by which the person may appeal the determination, and the person may
23 appeal the determination in accordance with the procedures established by the
24 department under this subdivision. The department shall promulgate rules
25 establishing procedures for conducting an appeal under this subdivision. Those

1 procedures shall include a procedure permitting an appeal under this subdivision to
2 be held in abeyance pending the outcome of any criminal proceedings or any
3 proceedings under s. 48.13 based on the alleged abuse or neglect or the outcome of
4 any investigation that may lead to the filing of a criminal complaint or a petition
5 under s. 48.13 based on the alleged abuse or neglect.

6 ~~SECTION 1651k.~~ 48.981 (3) (c) 7. of the statutes is amended to read:

7 48.981 (3) (c) 7. The county department or, in a county having a population of
8 500,000 or more, the department or ~~a licensed child welfare~~ agency under contract
9 with the department shall cooperate with law enforcement officials, courts of
10 competent jurisdiction, tribal governments, and other human services agencies to
11 prevent, identify, and treat child abuse and neglect and unborn child abuse. The
12 county department or, in a county having a population of 500,000 or more, the
13 department or ~~a licensed child welfare~~ agency under contract with the department
14 shall coordinate the development and provision of services to abused and neglected
15 children, to abused unborn children to families in which child abuse or neglect has
16 occurred, to expectant mothers who have abused their unborn children, to children
17 and families when circumstances justify a belief that abuse or neglect will occur, and
18 to the expectant mothers of unborn children when circumstances justify a belief that
19 unborn child abuse will occur.

20 ~~SECTION 1651m.~~ 48.981 (3) (c) 8. of the statutes is amended to read:

21 48.981 (3) (c) 8. Using the format prescribed by the department, each county
22 department shall provide the department with information about each report that
23 the county department receives or that is received by a licensed child welfare agency
24 that is under contract with the county department and about each investigation that
25 the county department or a licensed child welfare agency under contract with the

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

10 ~~SECTION 1651tn.~~ 48.981 (3) (cm) of the statutes is amended to read:

11 48.981 (3) (cm) ~~(Contract with licensed child welfare agencies.)~~ Contract with
 12 agencies. A county department may contract with a licensed child welfare agency to
 13 fulfill the county department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 6.,
 14 6m., and 8. The department may contract with a licensed child welfare agency or
 15 with the Milwaukee County child welfare district to fulfill the department's duties
 16 specified under par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 6., 6m., 7., 8., and 9. in a county
 17 having a population of 500,000 or more. The confidentiality provisions specified in
 18 sub. (7) shall apply to any licensed child welfare agency with which a county
 19 department or the department contracts and to the Milwaukee County child welfare
 20 district, if the department contracts with the district.

21 ~~SECTION 1651to.~~ 48.981 (3) (d) of the statutes is amended to read:

22 48.981 (3) (d) *Independent investigation.* 1. In this paragraph, "agent"
 23 includes, but is not limited to, a foster parent, treatment foster parent, or other
 24 person given custody of a child or a human services professional employed by a
 25 county department under s. 51.42 or 51.437 or by ~~a child welfare~~ an agency who is

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1 working with a child or an expectant mother of an unborn child under contract with
2 or under the supervision of the department in a county having a population of
3 500,000 or more or a county department under s. 46.22.

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

19 ~~SECTION 1051tp.~~ SECTION 48.981 (5) of the statutes is amended to read:

20 48.981 (5) CORONER'S REPORT. Any person or official required to report cases of
21 suspected child abuse or neglect who has reasonable cause to suspect that a child
22 died as a result of child abuse or neglect shall report the fact to the appropriate
23 medical examiner or coroner. The medical examiner or coroner shall accept the
24 report for investigation and shall report the findings to the appropriate district
25 attorney; to the department ~~or~~, in a county having a population of 500,000 or more,

County

the department or

1 to a licensed child welfare agency under contract with the department; to the
2 county department, and, if the institution making the report initially is a hospital,
3 to the hospital.

4 SECTION 1651tr. 48.981 (7) (a) 5. of the statutes is amended to read:

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

10 SECTION 1651tt. 48.981 (7) (a) 6. of the statutes is amended to read:

11 48.981 (7) (a) 6. A multidisciplinary child abuse and neglect or unborn child
12 abuse team recognized by the county department or, in a county having a population
13 of 500,000 or more, the department or a licensed child welfare agency under contract
14 with the department.

15 SECTION 1651tv. 48.981 (7) (a) 6m. of the statutes is amended to read:

16 48.981 (7) (a) 6m. A person employed by a child advocacy center recognized by
17 the county board, the county department or, in a county having a population of
18 500,000 or more, the department or a licensed child welfare agency under contract
19 with the department, to the extent necessary to perform the services for which the
20 center is recognized by the county board, the county department, the department, or
21 the licensed child welfare agency.

22 SECTION 1651lx. 48.981 (7) (a) 15. of the statutes is amended to read:

23 48.981 (7) (a) 15. A child fatality review team recognized by the county
24 department or, in a county having a population of 500,000 or more, the department
25 or a licensed child welfare agency under contract with the department.

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~~SECTION 1651w. 48.981 (8) (a) of the statutes is amended to read:~~

~~48.981 (8) (a) The department, the county departments, and a licensed child welfare an agency under contract with the department in a county having a population of 500,000 or more to the extent feasible shall conduct continuing education and training programs for staff of the department, the county departments, a licensed child welfare agency the agencies under contract with the department or a county department, law enforcement agencies, and the tribal social services departments, persons, and officials required to report, the general public, and others as appropriate. The programs shall be designed to encourage reporting of child abuse and neglect and of unborn child abuse, to encourage self-reporting and voluntary acceptance of services, and to improve communication, cooperation, and coordination in the identification, prevention, and treatment of child abuse and neglect and of unborn child abuse. Programs provided for staff of the department, county departments, and licensed child welfare agencies under contract with county departments or, in a county having a population of 500,000 or more, the department whose responsibilities include the investigation or treatment of child abuse or neglect shall also be designed to provide information on means of recognizing and appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a). The department, the county departments, and a licensed child welfare an agency under contract with the department in a county having a population of 500,000 or more shall develop public information programs about child abuse and neglect and about unborn child abuse.~~

SECTION ~~1651w.~~ 1651x. 48.981 (8) (c) of the statutes is amended to read:

48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the department, a county department, or ~~a licensed child welfare~~ an agency under

Insert
23-22

as affected by 2001 Wisconsin Act 16,

1 contract with the department in a county having a population of 500,000 or more may
2 contract with any public or private organization which that meets the standards set
3 by the department. In entering into the contracts the department, county
4 department, or licensed child welfare agency shall give priority to parental
organizations combating child abuse and neglect or unborn child abuse.

22. Page 680, line 5: after that line insert: *of the state,*

~~SECTION 2019t.~~ 66.0301 (1) (a) of the statutes is amended to read:

8 66.0301 (1) (a) In this section "municipality" means the state or any
9 department or agency thereof, or any city, village, town, county, school district, public
10 library system, public inland lake protection and rehabilitation district, sanitary
11 district, farm drainage district, metropolitan sewerage district, sewer utility district,
12 solid waste management system created under s. 59.70 (2), local exposition district
13 created under subch. II of ch. 229, local professional baseball park district created
14 under subch. III of ch. 229, local professional football stadium district created under
15 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
16 family care district under s. 46.2895, water utility district, mosquito control district,
17 municipal electric company, county or city transit commission, commission created
18 by contract under this section, taxation district, ^(plan comma) regional planning commission, or
19 the Milwaukee County child welfare district under s. 48.562. ^(Plan)

*← P W / ✓
Act 16*

23. Page 700, line 10: after that line insert:

~~SECTION 2101e.~~ 69.30 (1) (bg) of the statutes is created to read:

22 69.30 (1) (bg) "Milwaukee County child welfare district" means the Milwaukee
23 County child welfare district created under s. 48.562.

~~SECTION 2101f.~~ 69.30 (2) of the statutes is amended to read:

*for city-county
health department*

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1 69.30 (2) A financial institution, ^astate agency, ^acounty department, ^aWisconsin
 2 works agency, ^aservice office ~~or~~, ^afamily care district, ~~or the Milwaukee County child~~
 3 welfare district or an employee of a financial institution, ^astate agency, ^acounty
 4 department, ^aWisconsin works agency, ^aservice office ~~or~~, ^afamily care district, ~~or the~~
 5 Milwaukee County child welfare district is not subject to s. 69.24 (1) (a) for copying
 6 a certified copy of a vital record for use by the financial institution, state agency,
 7 county department, Wisconsin works agency, service office ~~or~~, family care district, or
 8 ~~the~~ Milwaukee County child welfare district, including use under s. 45.36 (4m), if the
 9 copy is marked "FOR ADMINISTRATIVE USE".

10 SECTION ~~2102~~c. 70.11 (2) of the statutes is amended to read:

11 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.
 12 Property owned by any county, city, village, town, school district, technical college
 13 district, public inland lake protection and rehabilitation district, metropolitan
 14 sewerage district, municipal water district created under s. 198.22, joint local water
 15 authority created under s. 66.0823, family care district under s. 46.2895, or town
 16 sanitary district; property owned by the Milwaukee County child welfare district
 17 under s. 48.562; lands belonging to cities of any other state used for public parks; land
 18 tax-deeded to any county or city before January 2; but any residence located upon
 19 property owned by the county for park purposes that is rented out by the county for
 20 a nonpark purpose shall not be exempt from taxation. Except as to land acquired
 21 under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after
 22 August 17, 1961, to any such governmental unit or for its benefit while the grantor
 23 or others for his or her benefit are permitted to occupy the land or part thereof in
 24 consideration for the conveyance. Leasing the property exempt under this

1 subsection, regardless of the lessee and the use of the leasehold income, does not
2) render that property taxable."

3) ~~24. Page 768, line 16: after that line insert:~~

4) "SECTION ~~2173x~~. 71.26 (1) (b) of the statutes is amended to read:

5 71.26 (1) (b) *Political units*. Income received by the United States, the state,
6 the Milwaukee County child welfare district under s. 48.562, and all counties, cities,
7 villages, towns, school districts, technical college districts, joint local water
8 authorities created under s. 66.0823, family care districts under s. 46.2895, or other
9) political units of this state."

10) ~~25. Page 890, line 25: after that line insert:~~

11) "SECTION ~~2446q~~. 101.01 (4) of the statutes is amended to read:

12 101.01 (4) "Employer" means any person, firm, corporation, state, county,
13 town, city, village, school district, sewer district, drainage district, or family care
14 district and, the Milwaukee County child welfare district, or any other public or
15 quasi-public corporations corporation as well as any agent, manager,
16 representative, or other person having control or custody of any employment, place
17) of employment, or of any employee."

18) ~~26. Page 902, line 16: after that line insert:~~

19) "SECTION ~~2543p~~. 102.01 (2) (d) of the statutes is amended to read:

20 102.01 (2) (d) "Municipality" includes a county, city, town, village, school
21 district, sewer district, drainage district and, or family care district and, the
22 Milwaukee County child welfare district, or any other public or quasi-public
23 corporations corporation.

24 SECTION ~~2543q~~. 102.04 (1) (a) of the statutes is amended to read:

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

5) ~~27.~~ Page 903, line 17: after that line insert:

6) ~~SECTION 2556n.~~ 103.001 (6) of the statutes is amended to read:

7 103.001 (6) "Employer" means any person, firm, corporation, state, county,
 8 town, city, village, school district, sewer district, drainage district, or family care
 9 district and, the Milwaukee County child welfare district, or any other public or
 10 quasi-public corporations corporation as well as any agent, manager,
 11 representative, or other person having control or custody of any employment, place
 12 of employment, or of any employee." *as affected by 2001 Wisconsin Act 16*

13) ~~28.~~ Page 912, line 20: after that line insert:

14) ~~SECTION 2607e.~~ 111.70 (1) (j) of the statutes is amended to read:

15 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
 16 metropolitan sewerage district, school district, or family care district, ^{plaint} the Milwaukee
 17 County child welfare district, or any other political subdivision of the state ^{plaint} that
 18 engages the services of an employee and includes any person acting on behalf of a
 19 municipal employer within the scope of the person's authority, express or implied,
 20 but specifically does not include a local cultural arts district created under subch. V
 21 of ch. 229." *(plain), or instrumentality of one or more political subdivisions of the state,*

22) ~~29.~~ Page 1181, line 3: after that line insert:

23) ~~SECTION 3759g.~~ 632.745 (6) (a) 2p. of the statutes is created to read:

✓
 W
 Act
 16
 ✓
 Insert
 22
 27-22
 23

1 632.745 (6) (a) 2p. The Milwaukee County child welfare district under s.
2 48.562.

3 **30.** Page 1280, line 22: after that line insert:

4 ~~SECTION 4034~~ 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 ~~4034~~ 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 **31.** Page 1418, line 14: after that line insert:

13 ~~(2x) MILWAUKEE COUNTY CHILD WELFARE DISTRICT~~ The repeal and recreation of
14 section 40.02 (28) of the statutes takes effect on January 1, 2010.

15 (END)

SEC. #.

Effective dates. This act takes effect on the day after publication, except as follows:

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3943/lins
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(INSERT A)

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.

of The bill authorizes the district to provide, under contract with DHFS, child welfare services and to exercise all 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.

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~~ ^{is} subject to auditing by the legislative audit bureau and review of its 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,

the district's

W

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employe^e-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.

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

(END OF INSERT) A

(INSERT 6-18) ✓

RETIRE
PAYEM

SECTION 1. 46.24 of the statutes is amended to read:

46.24 Assistance to minors concerning parental consent for abortion.

If a minor who is contemplating an abortion requests assistance from a county department under s. 46.215, 46.22, or 46.23 or the Milwaukee County child welfare district in seeking the consent of the minor's parent, guardian, or legal custodian, or in seeking the consent of an adult family member, as defined in s. 48.375 (2) (b), for the contemplated abortion or in seeking a waiver from the circuit court, the county department or child welfare district shall provide assistance, including, if so requested, accompanying the minor as appropriate.

SECTION 2. 46.261 (1) (a) of the statutes is amended to read:

46.261 (1) (a) The child is living in a foster home or treatment foster home licensed under s. 48.62 if a license is required under that section, in a foster home or treatment foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, or in a child caring

institution licensed under s. 48.60, and has been placed in the foster home, treatment foster home, group home, or institution by a county department under s. 46.215, 46.22, or 46.23, by the department, by the Milwaukee County child welfare district, or by a federally recognized American Indian tribal governing body in this state under an agreement with a county department under s. 46.215, 46.22, or 46.23.

History: 1995 a. 289; 1997 a. 27.

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

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

History: 1995 a. 289; 1997 a. 27.

(END OF INSERT) 46-18

(INSERT 7-3) ✓

SECTION 4. 48.07 (3) of the statutes is amended to read:

48.07 (3) THE DEPARTMENT IN POPULOUS COUNTIES. In counties having a population of 500,000 or more, the department may be ordered by the court to ~~provide services for furnishing~~ furnish emergency shelter care to any child whose need ~~therefor~~ for that care is determined by the intake worker under s. 48.205. The court

may authorize the department to appoint members or contractors of the department to furnish emergency shelter care services for the child. The emergency shelter care may be provided as specified in s. 48.207.

History: 1975 c. 39; 1977 c. 271, 354, 447; 1979 c. 34; 1981 c. 314 s. 146; 1983 a. 27 s. 2202 (20); 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 27, 77; 1997 a. 27, 292; 1999 a. 149.

SECTION 5. 48.195 (2) (d) 2. of the statutes, as created by 2001 Wisconsin Act 2, is amended to read:

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

History: 2001 a. 2.

SECTION 6. 48.227 (1) of the statutes is amended to read:

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

History: 1977 c. 354; 1979 c. 300; 1985 a. 176; 1995 a. 77; 1997 a. 292.

SECTION 7. 48.345 (4) (bm) of the statutes is amended to read:

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

History: 1971 c. 125; 1977 c. 354; 1979 c. 300; 1987 a. 285; 1989 a. 31, 107; 1993 a. 363, 377, 385, 491; 1995 a. 27; 1995 a. 77 ss. 235 to 237, 239, 241, 249, 250, 257 to 263; 1995 a. 225, 448; 1997 a. 27, 80, 164, 292; 1999 a. 9, 149.

SECTION 8. 48.355 (2b) of the statutes is amended to read:

48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county department, the department or the Milwaukee County child welfare district, in a

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

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2.

SECTION 9. 48.375 (4) (a) 1. of the statutes is amended to read:

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

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309.

SECTION 10. 48.375 (4) (b) 1m. of the statutes is amended to read:

48.375 (4) (b) 1m. A physician who specializes in psychiatry or a licensed psychologist, as defined in s. 455.01 (4), states in writing that the physician or psychologist believes, to the best of his or her professional judgment based on the

facts of the case before him or her, that the minor is likely to commit suicide rather than file a petition under s. 48.257 or approach her parent, or guardian or legal custodian, if one has been appointed, or an adult family member of the minor, or one of the minor's foster parents or treatment foster parents, if the minor has been placed in a foster home or treatment foster home and the minor's parent has signed a waiver granting the department, a county department, the Milwaukee County child welfare district, the foster parent, or the treatment foster parent the authority to consent to medical services or treatment on behalf of the minor, for consent.

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309.

SECTION 11. 48.375 (4) (b) 3. of the statutes is amended to read:

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

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309.

SECTION 12. 48.375 (7) (f) of the statutes is amended to read:

48.375 (7) (f) *Certain persons barred from proceedings.* No parent, or guardian or legal custodian, if one has been appointed, or foster parent or treatment foster

parent, if the minor has been placed in a foster home or treatment foster home and the minor's parent has signed a waiver granting the department, a county department, the Milwaukee County child welfare district, the foster parent, or the treatment foster parent the authority to consent to medical services or treatment on behalf of the minor, or adult family member, of any minor who is seeking a court determination under this subsection may attend, intervene, [✓]or give evidence in any proceeding under this subsection.

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309.

SECTION 13. 48.38 (1) (a) of the statutes is amended to read:

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

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2.

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

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

History: 1979 c. 330; 1985 a. 176; 1995 a. 289.

SECTION 15. 48.427 (3m) (a) 3m. of the statutes is created to read:

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

SECTION 16. 48.428 (2) (a) of the statutes is amended to read:

48.428 (2) (a) Except as provided in par. (b), when a court places a child in sustaining care after an order under s. 48.427 (4), the court shall transfer legal custody of the child to the county department, the department, [✓]or the Milwaukee County child welfare district, [✓]in a county having a population of 500,000 or more, or a licensed child welfare agency, transfer guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4., and place the child in the home of a licensed foster parent,

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

History: 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 359 s. 16; 1985 a. 70; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1995 a. 275, 289; 1997 a. 27, 164; 1999 a. 9.

SECTION 17. 48.428 (2) (b) of the statutes is amended to read:

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

History: 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 359 s. 16; 1985 a. 70; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1995 a. 275, 289; 1997 a. 27, 164; 1999 a. 9.

SECTION 18. 48.43 (7) of the statutes is amended to read:

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

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

History: 1979 c. 330; 1983 a. 27, 219, 286; 1985 a. 70, 176, 332; Sup. Ct. Order, 136 Wis. 2d xxxv (1987); 1987 a. 383; 1993 a. 395, 446; 1995 a. 275; 1997 a. 237.

(END OF INSERT) ← 7-3

(INSERT 15-11) ✓

SECTION 19. 48.62 (1) (a) of the statutes is amended to read:

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

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9.

SECTION 20. 48.62 (1) (b) of the statutes is amended to read:

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

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9.

SECTION 21. 48.62 (2) of the statutes is amended to read:

48.62 (2) A relative, as defined in s. 48.02 (15) ✓ or as specified in s. 49.19 (1) (a) or a guardian of a child, who provides care and maintenance for a child, is not

required to obtain the license specified in this section. ~~The department, county department~~ A public licensing agency or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home or a treatment foster home to a relative who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home or treatment foster home for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. ~~The department, a county department~~ A public licensing agency or a licensed child welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978 or ch. 880, license the guardian's home as a foster home or treatment foster home for the guardian's minor ward who is living in the home and who is placed in the home by court order. Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978 or ch. 880 who are licensed to operate foster homes or treatment foster homes are subject to the department's[✓] licensing rules.

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9.

SECTION 22. 48.62 (3) of the statutes is amended to read:

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

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9.

SECTION 23. 48.627 (2) (a) of the statutes is amended to read:

48.627 (2) (a) ~~Before the department, a county department~~ a public licensing agency, as defined in s. 48.75 (1b), or a licensed child welfare agency may issue, renew, or continue a foster home, treatment foster home, or family-operated group home license, the public licensing agency or licensed child welfare agency shall require the applicant to furnish proof satisfactory to the public licensing agency or licensed child welfare agency that he or she has homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by children placed in a foster home, treatment foster home, or family-operated group home that result in bodily injury or property damage to 3rd parties.

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27.

SECTION 24. 48.627 (2) (b) of the statutes is amended to read:

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

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27.

SECTION 25. 48.627 (2) (d) of the statutes is amended to read:

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

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27.

SECTION 26. 48.63 (1) of the statutes is amended to read:

48.63 (1) Acting pursuant to court order or voluntary agreement, the child's parent or guardian or the department of health and family services, the department of corrections, a county department, the Milwaukee County child welfare district, or a child welfare agency licensed to place children in foster homes or, treatment foster

homes, or group homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home, treatment foster home, or group home. Voluntary agreements under this subsection may not be used for placements in facilities other than foster, treatment foster, or group homes and may not be extended. A foster home or treatment foster home placement under a voluntary agreement may not exceed 6 months. A group home placement under a voluntary agreement may not exceed 15 days. These time limitations do not apply to placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be made only under this subsection and shall be in writing and shall specifically state that the agreement may be terminated at any time by the parent or guardian or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older.

Handwritten mark
History: 1977 c. 354, 449, 1979 c. 300, 1981 c. 81, 1983 a. 351, 399; 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 2/ ss. 2594, 9126 (19); 1995 a. 77.

SECTION 27. 48.64 (1) of the statutes is amended to read:

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

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104.

SECTION 28. 48.64 (1r) of the statutes is amended to read:

48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a school-age child in a foster home, treatment foster home, or a group home, the agency shall notify the clerk of the school district in which the foster home, treatment foster

home, or group home is located that a school-age child has been placed in a foster home, treatment foster home, or group home in the school district.

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104.

SECTION 29. 48.64 (4) (a) of the statutes is amended to read:

48.64 (4) (a) Any decision or order issued by an agency that affects the head of a foster, treatment foster, or group home or the children involved may be appealed to the department under fair hearing procedures established under department rules. The department shall, upon receipt of an appeal, give the head of the home reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as the department considers necessary. The department shall give notice of the hearing to the head of the home and to the departmental subunit, county department, child welfare district, or child welfare agency that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this subsection, the head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses. The department shall grant a continuance for a reasonable period of time when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers

and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department. The department shall make the record available at any reasonable time and at an accessible place to the head of the home or his or her representative. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in an agency action being appealed may participate in the final administrative decision on that action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home and to the departmental subunit, county department, child welfare district, or child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104.

SECTION 30. 48.685 (2) (am) (intro.) of the statutes is amended to read:

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

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 31. 48.685 (2) (am) 5. of the statutes is amended to read:

48.685 (2) (am) 5. Information maintained by the department under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13 (14) regarding any denial to the person of a license, continuation^e or renewal of a license, certification^x, or a contract to operate an entity for a reason specified in sub. (4m) (a) 1. to 5. and

regarding any denial to the person of employment at, a contract with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to 5. If the information obtained under this subdivision indicates that the person has been denied a license, continuation, or renewal of a license, certification, a contract, employment, or permission to reside as described in this subdivision, the department, a county department, a child welfare agency, the Milwaukee County child welfare district, or a school board need not obtain the information specified in subs. 1. to 4.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 32. 48.685 (2) (bb) of the statutes is amended to read:

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

welfare district, school board, or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 33. 48.685 (2) (bd) of the statutes is amended to read:

48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county department, a child welfare agency, the Milwaukee County child welfare district, or a school board is not required to obtain the information specified in par. (am) 1. to 5., and an entity is not required to obtain the information specified in par. (b) 1. a. to e., with respect to a person under 18 years of age whose background information form under sub. (6) (am) indicates that the person is not ineligible to be employed, contracted with, or permitted to reside at an entity for a reason specified in sub. (4m) (b) 1. to 5. and with respect to whom the department, county department, Milwaukee County child welfare district, child welfare agency, school board, or entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with, or permitted to reside at an entity for any of those reasons. This paragraph does not preclude the department, a county department, a child welfare agency, the Milwaukee County child welfare district, or a school board from obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect to a person described in this paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 34. 48.685 (2) (bm) of the statutes is amended to read:

48.685 (2) (bm) If the person who is the subject of the search under par. (am) or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, or if the

department, county department, child welfare agency, Milwaukee County child welfare district, school board, or entity determines that the person's employment, licensing, or state court records provide a reasonable basis for further investigation, the department, county department, child welfare agency, child welfare district, school board, or entity shall make a good faith effort to obtain from any state or other United States jurisdiction in which the person is a resident or was a resident within the 3 years preceding the date of the search information that is equivalent to the information specified in par. (am) 1. or (b) 1. a. The department, county department, child welfare agency, Milwaukee County child welfare district, school board, or entity may require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

SECTION 35. 48.685 (3) (a) of the statutes is amended to read:

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

s. 48.65 or established or contracted for under s. 120.13 (4) or of a day care provider that is certified under s. 48.651.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 36. 48.685 (3m) of the statutes is amended to read:

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

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 37. 48.685 (4m) (a) (intro.) of the statutes is amended to read:

48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, a county department may not certify a day care provider under s. 48.651, a county department, the Milwaukee County child welfare district, or a child welfare agency may not license, or renew the license of, a foster home or treatment foster home under s. 48.62, and a school board may not contract with a person under s. 120.13 (14), if the department, county department, child welfare agency, child welfare district, or school board knows or should have known any of the following:

SECTION 38. 48.685 (4m) (ad) of the statutes is amended to read:

48.685 (4m) (ad) The department, a county department, the Milwaukee County child welfare district, or a child welfare agency may license a foster home or treatment foster home under s. 48.62, a county department may certify a day care

provider under s. 48.651, and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am) indicating that the person is not ineligible to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 39. 48.685 (5) (a) of the statutes is amended to read:

48.685 (5) (a) The department may license to operate an entity, a county department may certify under s. 48.651, a county department, the Milwaukee County child welfare district, or a child welfare agency may license under s. 48.62, and a school board may contract with under s. 120.13 (14) a person who otherwise may not be licensed, certified, or contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity a person who otherwise may not be employed, contracted with, or permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the county department, the child welfare agency, the child welfare district, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that ~~he or she~~ the person has been rehabilitated.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 40. 48.685 (5c) (b) of the statutes is amended to read:

48.685 (5c) (b) Any person who is permitted but fails under sub. (5) (a) to demonstrate to the county department that he or she has been rehabilitated may appeal to the director of the county department or his or her designee. Any person who is permitted but fails under sub. (5) (a) to demonstrate to the Milwaukee County

child welfare district that he or she has been rehabilitated may appeal to the director of the child welfare district or his or her designee. Any person who is adversely affected by a decision of the director of the county department, the director of the Milwaukee County child welfare district, ~~or his or her~~ ^{or a} designee under this paragraph has a right to appeal the decision under ch. 68.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 41. 48.685 (5m) of the statutes is amended to read:

48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department, the Milwaukee County child welfare district, or a child welfare agency may refuse to license a foster home or treatment foster home under s. 48.62, and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, child welfare district, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a day care center, a county department may refuse to certify a day care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14), a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14), and a day care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the day care center or day care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department,

county department, school board, day care center, or day care provider, substantially related to the care of a client.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 42. 48.685 (6) (a) of the statutes is amended to read:

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

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

SECTION 43. 48.685 (6) (b) 2m. of the statutes is created to read:

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

SECTION 44. 48.685 (8) of the statutes is amended to read:

48.685 (8) The department, a county department, a child welfare agency, the Milwaukee County child welfare district, or a school board may charge a fee for obtaining the information required under sub. (2) (am) or (3) (a) or for providing information to an entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b).

The fee may not exceed the reasonable cost of obtaining the information. No fee may be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or maintaining information if to do so would be inconsistent with federal law.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

(END OF INSERT) ← 15-11

(INSERT 15-20) ✓

SECTION 45. 48.78 (2) (c) of the statutes is amended to read:

48.78 (2) (c) Paragraph (a) does not prohibit the department, the Milwaukee County child welfare district, or a county department from using in the media a picture or description of a child in the guardianship of the department, ^{the} child welfare district, or ~~a~~ ^{the} county department for the purpose of finding adoptive parents for that child.

History: 1979 c. 34; 1981 c. 359; 1983 a. 471 s. 7; 1985 a. 29 s. 3202 (23); 1985 a. 176, 292, 332; 1987 a. 332; 1989 a. 31, 107, 336; 1991 a. 17, 39; 1993 a. 16, 92, 95, 218, 227, 377, 385, 395, 479, 491; 1995 a. 27 ss. 2610 to 2614p, 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283, 292.

SECTION 46. 48.825 (3) (a) of the statutes is amended to read:

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

History: 1997 a. 104; 1999 a. 9.

SECTION 47. 48.825 (3) (d) of the statutes is amended to read:

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

History: 1997 a. 104; 1999 a. 9.

SECTION 48. 48.831 (1m) (bm) of the statutes is created to read:

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

SECTION 49. 48.831 (2) of the statutes is amended to read:

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

History: 1989 a. 161; 1995 a. 73, 275; 1997 a. 27, 334.

SECTION 50. 48.831 (4) (b) 4. of the statutes is created to read:

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

SECTION 51. 48.831 (4) (e) of the statutes is amended to read:

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

determination under s. 48.38 (5) (c) that relates to the child's parents or returning the child to his or her home.

History: 1989 a. 161; 1995 a. 73, 275; 1997 a. 27, 334.

SECTION 52. 48.832 of the statutes is amended to read:

48.832 Transfer of guardianship upon revocation of guardian's license or contract. If the department revokes the license of a county department licensed under s. 48.57 (1) (hm) to accept guardianship, or of a child welfare agency licensed under s. 48.61 (5) to accept guardianship, or if the department terminates the contract of a county department licensed under s. 48.57 (1) (e) or of the Milwaukee County child welfare district to accept guardianship, the department shall file a motion in the court that appointed the guardian for each child in the guardianship of the county department, child welfare district, or agency, requesting that the court transfer guardianship and custody of the child. The motion may specify a county department, child welfare district, or child welfare agency that has consented to accept guardianship of the child. The court shall transfer guardianship and custody of the child either to the county department, child welfare district, or child welfare agency specified in the motion or to another county department under s. 48.57 (1) (e) or (hm), child welfare district, or [↓]~~a~~ child welfare agency under s. 48.61 (5) ~~which that~~ consents to the transfer. If no county department, child welfare district, or child welfare agency consents, the court shall transfer guardianship and custody of the child to the department.



History: 1989 a. 161; 1997 a. 27.

SECTION 53. 48.833 of the statutes is amended to read:

48.833 Placement of children for adoption by the department, county departments, child welfare districts, and child welfare agencies. The department, a county department under s. 48.57 (1) (e) or (hm), the Milwaukee

County child welfare district, or a child welfare agency licensed under s. 48.60 may place a child for adoption in a licensed foster home or a licensed treatment foster home without a court order if the department, county department under s. 48.57 (1) (e) or (hm), child welfare district, or the child welfare agency is the guardian of the child or makes the placement at the request of another agency which that is the guardian of the child. Before placing a child for adoption under this section, the department, county department, child welfare district, or child welfare agency making the placement shall consider the availability of a placement for adoption with a relative of the child who is identified in the child's permanency plan under s. 48.38 or 938.38 or who is otherwise known by the department, county department, child welfare district, or child welfare agency. When a child is placed under this section in a licensed foster home or a licensed treatment foster home for adoption, the department, county department, child welfare district, or child welfare agency making the placement shall enter into a written agreement with the adoptive parent, which shall state the date on which the child is placed in the licensed foster home or licensed treatment foster home for adoption by the adoptive parent.

History: 1981 c. 81, 384; 1985 a. 176; 1989 a. 336; 1993 a. 446; 1995 a. 275.

SECTION 54. 48.837 (4) (c) of the statutes is amended to read:

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

a report and recommendation from the child welfare agency in place of the court-ordered report required under this paragraph.

History: 1981 c. 81; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1997 a. 27, 104, 191.

SECTION 55. 48.837 (4) (d) of the statutes is amended to read:

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

History: 1981 c. 81; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1997 a. 27, 104, 191.

SECTION 56. 48.837 (6) (d) of the statutes is amended to read:

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

History: 1981 c. 81; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1997 a. 27, 104, 191.

SECTION 57. 48.839 (1) (d) of the statutes is amended to read:

48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county department, the Milwaukee County child welfare district, or ^achild welfare agency ✓ before the child is adopted, the department shall periodically bill the guardian and the surety under s. 46.03 (18) (b) or 46.10 for the cost of care and maintenance of the child until the child is adopted or becomes age 18, whichever is earlier. The guardian

and surety shall also be liable under the bond for costs incurred by the department in enforcing the bond against the guardian and surety.

History: 1981 c. 81; 1985 a. 176; 1997 a. 27.

SECTION 58. 48.839 (4) (a) of the statutes is amended to read:

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

History: 1981 c. 81; 1985 a. 176; 1997 a. 27.

SECTION 59. 48.839 (4) (b) of the statutes is amended to read:

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

History: 1981 c. 81; 1985 a. 176; 1997 a. 27.

SECTION 60. 48.88 (2) (a) 2. of the statutes is amended to read:

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

History: 1975 c. 39, 199, 307; 1977 c. 271; 1981 c. 81, 384; 1983 a. 190; 1985 a. 176; 1997 a. 27.

SECTION 61. 48.88 (2) (c) of the statutes is amended to read:

48.88 (2) (c) If a stepparent has filed a petition for adoption and no agency has guardianship of the child, the court shall order the department or the Milwaukee County child welfare district, in a county having a population of 500,000 or more, or a county department or, with the consent of the department in a county having a population of less than 500,000 or a licensed child welfare agency, order the department or the child welfare agency to conduct a screening, consisting of no more

than one interview with the petitioner and a check of the petitioner's background through public records, including records maintained by the department or any county department under s. 48.981. The department, county department, child welfare district, or child welfare agency that conducts the screening shall file a report of the screening with the court within 30 days. After reviewing the report, the court may proceed to act on the petition, may order the department or the Milwaukee County child welfare district, in a county having a population of 500,000 or more, or the county department to conduct an investigation as described under par. (a) (intro.), or may order the department in a county having a population of less than 500,000 or a licensed child welfare agency to make the investigation if the department or child welfare agency consents.

SECTION 62. 48.89 (1) of the statutes is amended to read:

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

History: 1973 c. 263; 1977 c. 271; 1981 c. 81; 1983 a. 447; 1985 a. 176; 1995 a. 443.

History: 1975 c. 39, 199, 307; 1977 c. 271; 1981 c. 81, 384; 1983 a. 190; 1985 a. 176; 1997 a. 27.

SECTION 63. 48.89 (3) of the statutes is amended to read:

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

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

History: 1973 c. 263; 1977 c. 271; 1981 c. 81; 1983 a. 447; 1985 a. 176; 1995 a. 443.

SECTION 64. 48.95 of the statutes is amended to read:

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

History: 1977 c. 271, 449; 1981 c. 81; 1985 a. 176; 1995 a. 77.



SECTION 65. 48.977 (4) (a) 7m. of the statutes is created to read:

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

(END OF INSERT) ← 15-20

(INSERT 16-16 ATTACHED) ✓

(INSERT 22-21) ✓

SECTION 66. 48.981 (7) (a) 13. of the statutes is amended to read:

48.981 (7) (a) 13. The department, a county department under s. 48.57 (1) (e) or (hm), the Milwaukee County child welfare district, or a licensed child welfare

agency ordered to conduct a screening or an investigation of a stepparent under s. 48.88 (2) (c).

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; s. 13.93 (2) (c).

(END OF INSERT) ← λ λ - 乙 1

(INSERT 23-22 ATTACHED) ✓

(INSERT 27-22)

SECTION 67. 118.17 of the statutes is amended to read:

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

History: 1985 a. 29; 1995 a. 27.

(END OF INSERT)

(INSERT 28-3) ✓

SECTION 68. 632.896 (1) (c) 1. of the statutes is amended to read:

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

History: 1989 a. 336; 1995 a. 27 s. 9126 (19); 1995 a. 289; 1997 a. 27.

SECTION 69. 767.001 (2) (b) of the statutes is amended to read:

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

History: 1987 a. 355; 1995 a. 100, 279, 404; 1997 a. 3, 27, 35.

SECTION 70. 767.24 (3) (a) of the statutes is amended to read:

767.24 (3) (a) If the interest of any child demands it, and if the court finds that neither parent is able to care for the child adequately or that neither parent is fit and proper to have the care and custody of the child, the court may declare the child to be in need of protection or services and transfer legal custody of the child to a relative of the child, as defined in s. 48.02 (15), to the department of health and family services, to a county department, as defined under s. 48.02 (2g), to the Milwaukee County child welfare district, or to a licensed child welfare agency. If the court transfers legal custody of a child under this subsection, in its order the court shall notify the parents of any applicable grounds for termination of parental rights under s. 48.415.

History: 1971 c. 149, 157, 211; 1975 c. 39, 122, 200, 283; 1977 c. 105, 418; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; Stats. 1979 s. 767.24; 1981 c. 391; 1985 a. 70, 176; 1987 a. 332 s. 64; 1987 a. 355, 364, 383, 403; 1989 a. 56 s. 259; 1989 a. 359; 1991 a. 32; 1993 a. 213, 446, 481; 1995 a. 77, 100, 275, 289, 343, 375; 1997 a. 35, 191; 1999 a. 9.

SECTION 71. 809.105 (13) of the statutes is amended to read:

809.105 (13) CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or guardian or legal custodian, if one has been appointed, or foster parent or treatment foster parent, if the minor has been placed in a foster home or treatment foster home, and the minor's parent has signed a waiver granting the department of health and family services, a county department under s. 46.215, 46.22, or 46.23, the Milwaukee County child welfare district, the foster parent or the treatment foster parent the authority to consent to medical services or treatment on behalf of the minor, or adult

family member, as defined in s. 48.375 (2) (b), of any minor who has initiated an appeal under this section may attend or intervene in any proceeding under this section.

History: 1991 a. 263, 315; 1993 a. 213, 446; 1995 a. 27 s. 9126 (19); 1995 a. 201, 224.

SECTION 72. 938.355 (2b) of the statutes is amended to read:

938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county department that provides social services or the agency primarily responsible for providing services to a juvenile under a court order may, at the same time as the county department or agency is making the reasonable efforts required under sub. (2) (b) 6., work with the department of health and family services, a county department under s. 48.57 (1) (e) or (hm), the Milwaukee County child welfare district, or a child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a guardian, or in some other alternative permanent placement.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103.

(END OF INSERT)

(END)

LPS: Get from stats. Database

as affected by 2001 Wisconsin Act 16

Insert 16-76

SECTION 165^{Im}. 48.981 (3) (a) of the statutes is amended to read:

48.981 (3) (a) Referral of report. 1. A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village, or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.

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

3. A county department, the department, or a licensed child welfare agency under contract with the department shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the sheriff or police department all cases of suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am),

or (gm), or neglect, each county department, the department, and a licensed child welfare agency under contract with the department shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

SECTION 165^{Ip}. 48.981 (3) (a) 4 of the statutes is created to read:

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

(ed. insert)

as affected by 2001 Wisconsin Act 16

Insert 23-22

~~LEGISLATIVE DISCUSSION~~

SECTION ~~1651~~ #48.981 (8) (a) of the statutes is amended to read:

48.981 (8) (a) The department, the county departments, and a ^{plain} licensed child welfare agency under contract with the department in a county having a population of 500,000 or more to the extent feasible shall conduct continuing education and training programs for staff of the department, the county departments, ^{the} ~~a~~ licensed child welfare ~~agency~~ agencies under contract with the department or a county department, law enforcement agencies, and the tribal social services departments, persons, and officials required to report, the general public, and others as appropriate. The programs shall be designed to encourage reporting of child abuse and neglect and of unborn child abuse, to encourage self-reporting and voluntary acceptance of services and to improve communication, cooperation, and coordination in the identification, prevention, and ^{plain} treatment of child abuse and neglect and of unborn child abuse. Programs provided for staff of the department, county departments, and ~~licensed child welfare agencies~~ under contract with county departments or, ~~in a county having a population of 500,000 or more,~~ the department whose responsibilities include the investigation or treatment of child abuse or neglect shall also be designed to provide information on means of recognizing and appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a). The department, the county departments, ^{plain} and a ~~licensed child welfare~~ agency under contract with the department in a county having a population of 500,000 or more shall

develop public information programs about child abuse and neglect and about unborn child abuse.

SECTION ~~1651~~ #48.982 (2) (d) of the



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(plain)

(edit insert)