



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

Now

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 “**SECTION 114h.** 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

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.

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:

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, 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~~, family care districts, and the
24 Milwaukee County child welfare district may be removed as follows:

1 **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.”.

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).”.

12 **4.** Page 90, line 9: delete **“SECTION 382b”** and substitute **“SECTION 382d”**.

13 **5.** Page 93, line 3: 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 or public body corporate and politic created by constitution, law,
18 ordinance, rule 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.”.

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 1389p.** 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
17 include a local cultural arts district created under subch. V of ch. 229.”.

18 **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.”

10. Page 578, line 6: after that line insert:

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 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.

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.”

11. Page 580, line 10: after that line insert:

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

24

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.

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 removed for cause under s. 17.13.

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 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.

Specified in s. 48.57(1) ✓

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

6 (c) Sue and be sued.

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

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

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

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

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
20 of the property.

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

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

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 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, 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 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

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.

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.

19 4. If the county has not established its own retirement system for county
20 employees, adopt a resolution that the ~~family care district~~ ^{Milwaukee County child welfare 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

and 100% of the prior creditable service
of its employees who were previously employed by the county,
earned by the employees while employed by the county

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

3 1. If 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.

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
contract with the department.

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11 12. Page 583, line 2: after that line insert:

12 "SECTION 1636^(b)_(d)h. 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 1636^(b)_(f)h. 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
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 1651tb.** 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

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 1651th.** 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 1651tj.** 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 1651tk.** 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 1651tm.** 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, a
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

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 1651tp.** 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,

1 to a ~~licensed child welfare~~ an 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 1651tx.** 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.

20
Insert
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22-21

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

2 48.981 (8) (a) The department, the county departments, and a licensed child
3 ~~welfare~~ an agency under contract with the department in a county having a
4 population of 500,000 or more to the extent feasible shall conduct continuing
5 education and training programs for staff of the department, the county
6 departments, ~~a licensed child welfare agency~~ the agencies under contract with the
7 department or a county department, law enforcement agencies, and the tribal social
8 services departments, persons, and officials required to report, the general public,
9 and others as appropriate. The programs shall be designed to encourage reporting
10 of child abuse and neglect and of unborn child abuse, to encourage self-reporting and
11 voluntary acceptance of services, and to improve communication, cooperation, and
12 coordination in the identification, prevention, and treatment of child abuse and
13 neglect and of unborn child abuse. Programs provided for staff of the department,
14 county departments, and ~~licensed child welfare~~ agencies under contract with county
15 departments or, ~~in a county having a population of 500,000 or more,~~ the department
16 whose responsibilities include the investigation or treatment of child abuse or
17 neglect shall also be designed to provide information on means of recognizing and
18 appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a). The
19 department, the county departments, and ~~a licensed child welfare~~ an agency under
20 contract with the department in a county having a population of 500,000 or more
21 shall develop public information programs about child abuse and neglect and about
22 unborn child abuse.

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

24 48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the
25 department, a county department, or ~~a licensed child welfare~~ an agency under

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
5 organizations combating child abuse and neglect or unborn child abuse.”.

6 **22.** Page 680, line 5: after that line insert:

7 “**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, or regional planning commission, or
19 the Milwaukee County child welfare district under s. 48.562.”.

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

21 “**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.

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

1 69.30 (2) A financial institution, state agency, county department, Wisconsin
 2 works agency, service office ~~or~~, family care district, or the Milwaukee County child
 3 welfare district or an employee of a financial institution, state agency, county
 4 department, Wisconsin works agency, service office ~~or~~, family 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" *add period*

10 **SECTION 2102c.** 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.”.

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, the Milwaukee
17 County child welfare district, or any other political subdivision of the state 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.”.

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:

Insert
27-21

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

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

“**SECTION 4034yr.** 985.01 (1g) of the statutes is amended to read:

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

SECTION 4034yt. 985.01 (3) of the statutes is amended to read:

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

31. Page 1418, line 14: after that line insert:

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

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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4. Page 576, line 24: after that line insert:

SECTION 1583e. 48.355 (2b) of the statutes is amended to read:

48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county department, the department, 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, or agency is making the reasonable efforts required under sub. (2) (b) 6., work with the department, a county department or the Milwaukee County child welfare district under s. 48.57 (1) (e) or (hm), 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. ^{LPS:} _{invert}

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.

(END OF INSERT)

(INSERT 7-3)

SECTION 1587w. 48.38 (1) (a) of the statutes is amended to read:

48.38 (1) (a) "Agency" means the department, a county department, ^{delete extra space} 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 1593h. 48.427 (3m) (a) 1. of the statutes is amended to read:

48.427 (3m) (a) 1. A county department or the Milwaukee County child welfare district, if authorized to accept guardianship under s. 48.57 (1) (e) or (hm).

History: 1979 c. 330; 1981 c. 81, 359; 1985 a. 70, 176; 1995 a. 275, 289; 1997 a. 80, 104, 237.

(END OF INSERT)

(INSERT 15-10)

SECTION 1624d. 48.57 (title) of the statutes is amended to read:

48.57 (title) Powers and duties of department and, county departments, and the Milwaukee County child welfare district providing child welfare services.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; s. 13.93 (2) (c).

SECTION 1624g. 48.57 (1) (intro.) of the statutes is amended to read:

48.57 (1) (intro.) Each county department and the Milwaukee County child welfare district shall administer and expend such amounts as may be necessary out of any moneys which that may be appropriated for child welfare purposes by the county board of supervisors or by the legislature, which that may be donated by individuals or private organizations, or which that may be otherwise provided. The department shall have the authority specified in s. 48.48 (17). A county department and, subject to its contract with the department under s. 48.562 (4) (d), the Milwaukee County child welfare district shall have the authority:

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; s. 13.93 (2) (c).

SECTION 1624k. 48.57 (1) (a) of the statutes is amended to read:

48.57 (1) (a) To investigate the conditions surrounding nonmarital children, children in need of protection or services, including developmentally disabled children, and unborn children in need of protection or services within the county and to take every reasonable action within its power to secure for them the full benefit of all laws enacted for their benefit. Unless provided by another agency, the county department or the Milwaukee County child welfare district shall offer social services to the caretaker of any child, and to the expectant mother of any unborn child, who is referred to it under the conditions specified in this paragraph. This duty shall be

discharged in cooperation with the court and with the public officers or boards legally responsible for the administration and enforcement of those laws.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 s. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; s. 13.93 (2) (c).

SECTION 1624m. 48.57 (1) (b) of the statutes is amended to read:

48.57 (1) (b) To accept legal custody of children transferred to it by the court under s. 48.355, to accept supervision over expectant mothers of unborn children who are placed under its supervision under s. 48.355, and to provide special treatment and care for children and expectant mothers if ordered by the court. A court may not order a county department or the Milwaukee County child welfare district to administer psychotropic medications to children and expectant mothers who receive special treatment or care under this paragraph.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 s. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; s. 13.93 (2) (c).

SECTION 1625c. 48.57 (1) (c) of the statutes is amended to read:

48.57 (1) (c) To provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing those children in licensed foster homes, treatment foster homes, or group homes in this state or another state within a reasonable proximity to the agency with legal custody, or contracting for services for those children by licensed child welfare agencies, except that the county department or the Milwaukee County child welfare district may not purchase the educational component of private day treatment programs unless the county department or district, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes

between the county department, or the Milwaukee County child welfare district, and the school district shall be resolved by the state superintendent of public instruction.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; s. 13.93 (2) (c).

SECTION 1625e. 48.57 (1) (e) of the statutes is amended to read:

48.57 (1) (e) If a county department in a county with a population of 500,000 or more or the Milwaukee County child welfare district and if contracted to do so by the department, to place children in a county children’s home in the county under policies adopted by the county board of supervisors, to accept guardianship of children when appointed by the court, and to place children under its guardianship for adoption.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; s. 13.93 (2) (c).

SECTION 1625g. 48.57 (2) of the statutes is amended to read:

48.57 (2) In performing the functions specified in sub. (1) the county department or the Milwaukee County child welfare district may avail itself of the cooperation of any individual or private agency or organization interested in the social welfare of children and unborn children in the county.”

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; s. 13.93 (2) (c).

(END OF INSERT)

(INSERT 15-20)

SECTION 1636g. 48.831 (4) (b) 1. of the statutes is amended to read:

48.831 (4) (b) 1. A county department or the Milwaukee County child welfare district, if authorized to accept guardianship under s. 48.57 (1) (e) or (hm).

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

SECTION 1636h. 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) of a county department 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, district, or agency, requesting that the court transfer guardianship and custody of the child. The motion may specify a county department, 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, district, or child welfare agency specified in the motion or to another county department or district under s. 48.57 (1) (e) or (hm) or a child welfare agency under s. 48.61 (5) ~~which~~ that consents to the transfer. If no county department, 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 1636i. 48.833 of the statutes is amended to read:

48.833 Placement of children for adoption by the department, county departments, the Milwaukee County child welfare district, and child welfare agencies. The department, a county department ~~or the Milwaukee County child welfare district~~ under s. 48.57 (1) (e) or (hm), 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 or district under s. 48.57 (1) (e) or (hm), 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, 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, 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, district, or child welfare agency making the placement shall enter into a written agreement with the adoptive parent, ~~which shall state~~ that states 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 1636k. 48.837 (4) (c) of the statutes is amended to read:

48.837 (4) (c) Shall order the department or a county department or the Milwaukee County child welfare district 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 1636m. 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 or a county department or the Milwaukee County child welfare district 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 1636q. 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 or the Milwaukee County child welfare district under s. 48.57 (1) (e) or (hm), 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 1636s. 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 or the Milwaukee County child welfare district under s. 48.57 (1) (e) or (hm) 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 1636u. 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 or the Milwaukee County child welfare district under s. 48.57 (1) (e) or (hm), 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.

SECTION 1636v. 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, or a county department or the Milwaukee County child welfare district 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 or the Milwaukee County child welfare district under s. 48.57 (1)

(e) or (hm), 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 1636x. 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, or a county department or the Milwaukee County child welfare district 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.

(END OF INSERT)

(INSERT 22-21)

SECTION 1651tw. 48.981 (7) (a) 13.¹ of the statutes is amended to read:

48.981 (7) (a) 13. The department, a county department or the Milwaukee County child welfare district under s. 48.57 (1) (e) or (hm) ⁵ 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)

(INSERT 27-21)

* ² Page 916, line 1: after that line insert:

“SECTION 2666n. 115.812 (1) of the statutes is amended to read:

115.812 (1) PLACEMENT DISPUTES. If a dispute arises between a local educational agency and the department of health and family services, the department of

corrections or, a county department under s. 46.215, 46.22, or 46.23, or the Milwaukee County child welfare district under s. 48.562, or between local educational agencies under s. 115.81 (4) (c), over the placement of a child, the state superintendent shall resolve the dispute. This subsection applies only to placements in nonresidential educational programs made under s. 48.57 (1) (c) and to placements in child caring institutions made under s. 115.81^(a)

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History: 1997 a. 104.

(END OF INSERT)

(INSERT 28-12)

~~2~~. Page 1181, line 12: after that line insert:

“SECTION 3763f. 632.896 (1) (c) 1. of the statutes is amended to read:

632.896 (1) (c) 1. The department, a county department or the Milwaukee County child welfare district under s. 48.57 (1) (e) or (hm), 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.

* ~~4~~. Page 1223, line 7: after that line insert:

“SECTION 3897e. 938.355 (2b)¹ 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 or the Milwaukee County child welfare district under s. 48.57 (1) (e) or (hm), 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.④

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

(END OF INSERT)

(END)