State of Wisconsin
2003 – 2004 LEGISLATURE

LRBa2251/1
GMM:kmg:jf

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0206/3),
TO 2003 ASSEMBLY BILL 201

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

1. Page 30, line 14: after "caregiver" insert "or if the caregiver is no longer providing temporary or permanent care and supervision for the child".

(END)

State of Wisconsin
2003 – 2004 LEGISLATURE

LRBa2272/1
GMM:jld:jf

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0206/3),

TO 2003 ASSEMBLY BILL 201

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

1. Page 11, line 5: after "home" insert "and the county department or department has approved that absence from the home".

(END)

State of Wisconsin
2003 – 2004 LEGISLATURE

LRBs0206/1
GMM:kjf:jf

Today! 2/23

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ASSEMBLY SUBSTITUTE AMENDMENT ,

TO 2003 ASSEMBLY BILL 201

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AN ACT ***to renumber*** 48.57 (3m) (a) 1. and 48.57 (3n) (a) 1.; ***to renumber and amend*** 48.57 (3m) (d), 48.57 (3n) (d), 48.57 (3p) (a) and 49.155 (5); ***to amend*** 48.57 (3m) (am) 2., 48.57 (3m) (am) 4., 48.57 (3m) (am) 4m., 48.57 (3m) (f), 48.57 (3m) (g) 1. (intro.), 48.57 (3m) (g) 2., 48.57 (3n) (am) 4m., 48.57 (3n) (f), 48.57 (3n) (g) 1. (intro.), 48.57 (3n) (g) 2., 48.57 (3p) (d), 48.57 (3p) (e) 4., 48.57 (3p) (fm) 1., 48.57 (3p) (fm) 1m., 48.57 (3p) (fm) 2., 48.57 (3p) (fm) 2m., 48.57 (3p) (g) (intro.), 48.57 (3p) (h) 1., 48.57 (3p) (h) 3., 48.57 (3p) (h) 4., 48.57 (3p) (h) 5., 48.57 (3p) (hm), 48.57 (3t) and 880.08 (3) (am) (intro.); and ***to create*** 48.57 (3m) (a) 1d., 48.57 (3m) (d) 1. to 4., 48.57 (3n) (a) 1d., 48.57 (3n) (d) 1. to 3., 48.57 (3p) (a) 2., 48.57 (3p) (h) 2m., 48.57 (3p) (hg), 48.57 (3r), 48.979 and 49.155 (5) (c) and (d) of the statutes; **relating to:** kinship care, notice of guardianship proceedings, creating a health services consent form, requesting the Joint Legislative

1 Council to study guardianship and legal custody, granting rule–making
2 authority, and providing penalties.

Analysis by the Legislative Reference Bureau

Introduction

This substitute amendment makes various changes relating to kinship care and long–term kinship care, under which certain relatives of a child who provide care and maintenance for the child and who meet certain other conditions are eligible to receive monthly payments from the county department of human services or social services (county department) or, in Milwaukee County, the Department of Health and Family Services (DHFS). Those changes include changes relating to eligibility for kinship care and long–term kinship care, the procedures for discontinuing kinship care or long–term kinship care payments, copayment liability for child care provided for a kinship care or long–term kinship care relative, and funding of kinship care. The substitute amendment also changes the manner in which notice of a guardianship proceeding in which the proposed ward is a minor must be provided, creates a health services consent form that a parent may use to authorize a caregiver to consent to health services for the parent's child, and requests the Joint Legislative Council to study state laws regarding guardianship and legal custody of children and the rights and responsibilities of guardians and legal custodians of children.

Kinship care

Under current law, one of the conditions that must be met in order for a relative who is providing care and maintenance for a child to be eligible to receive kinship care payments is that the county department or DHFS must determine that the child meets a criterion for the child or juvenile in need of protection or services jurisdiction of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code, for example, the child has been the victim of abuse or neglect, or that the child would be at risk of meeting a criterion for that jurisdiction if the child were to remain in his or her home.

This substitute amendment provides that a relative who is providing care and maintenance for a child is eligible to receive kinship care payments if the child has been living with a relative for two years or longer.

Under current law, another condition that must be met in order for a relative who is providing care and maintenance for a child to be eligible to receive kinship care payments or long–term kinship care payments is that the county department or DHFS must conduct a background investigation of the relative, any employee or prospective employee of the relative who has or would have regular contact with the child, and any adult resident of the relative's home to determine if any of those individuals has any arrests or convictions that is likely to adversely affect the child or the relative's ability to care for the child. Currently, a county department or DHFS may consider any arrest in making that determination.

This substitute amendment limits the arrests that a county department or DHFS may consider in determining eligibility for kinship or long–term kinship care

and if the county department or DHFS has approved that absence from the home

payments to arrests for a crime against life or bodily security, a crime against sexual morality, or a crime against children, subject to certain exceptions, including an exception for an arrest for prostitution, patronizing a prostitute, or pandering that occurred 20 years or more before the background investigation.

Under current law, at least once every 12 months after a county department or DHFS begins making kinship care or long–term kinship care payments to a relative who is providing care and maintenance for a child, the county department or DHFS is required to determine if the relative is still eligible to receive those payments. If the relative is no longer eligible to receive those payments, the county department or DHFS is required to discontinue making those payments.

This substitute amendment requires a county department or DHFS to discontinue making kinship care or long–term kinship care payments effective immediately upon notice if the relative is no longer providing care and maintenance for the child and to discontinue making those payments not less than 10 days after providing notice of discontinuation if the payments are being discontinued on any other grounds. The substitute amendment, however, prohibits a county department or DHFS from discontinuing those payments on the grounds that the relative is no longer providing care and maintenance for the child if the child is outside the home of the relative for 90 days or less with the intent of returning to the home.

Under current law, a relative whose application for kinship care payments is denied or whose kinship care payments are discontinued on any grounds other than conviction record may appeal that denial or discontinuation to DHFS while a relative whose application for kinship care payments is denied or whose kinship care payments are discontinued on the grounds of conviction record may request the director of the county department or, in Milwaukee County, a person designated by the secretary of health and family services to review the denial or discontinuation and determine whether the conviction could adversely affect the child or the relative's ability to care for the child.

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This substitute amendment permits a determination by a director of a county department or, in Milwaukee County, a person designated by the secretary of health and family services upholding a denial or discontinuation of kinship care payments based on conviction record to be appealed to DHFS.

¶

Under current law, if a relative whose kinship care or long–term kinship care payments are discontinued requests a hearing within 10 days after the date of notice of the discontinuation, those payments may not be discontinued until a decision is rendered after hearing, subject to certain exceptions and subject to the right of the county department or DHFS to recover those payments if the discontinuation is upheld. ~~The~~ substitute amendment also requires DHFS to render its decision no later than 30 days after receipt of the petition for review.

(no ¶) The

~~This~~ substitute amendment permits kinship care and long–term kinship payments to continue pending a decision rendered after hearing, in the case of a relative whose payments are discontinued on any grounds other than the grounds that the relative is no longer providing care and maintenance for the child, if the relative requests a hearing before the date on which the payments are to be discontinued. The substitute amendment does not change current law regarding

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continuation of payments pending a decision rendered after hearing in the case of a relative whose payments are discontinued on the grounds that the relative is no longer providing care and maintenance for the child.

Under current law, a person who is receiving kinship care or long–term kinship care payments and who is receiving a child care subsidy under the Wisconsin Works Program is liable for a percentage of the cost of the child care as specified by the Department of Workforce Development. This substitute amendment exempts a person who is eligible to receive kinship care or long–term kinship care payments from that liability.

Finally, with respect to kinship care and long–term kinship care payments, the substitute amendment permits DHFS to request the secretary of administration to provide supplemental funding for those payments if the amounts appropriated for those payments are insufficient to provide those payments to all persons who are eligible to receive those payments and requires DHFS to study methods to manage the funding appropriated for kinship care payments in order to minimize the need for waiting lists for those payments.

Notice of guardianship proceeding

Under current law, if notice of a guardianship proceeding in which the proposed ward is a minor cannot be served personally on the proposed ward's spouse, parents, legal custodian, or physical custodian, or the proposed ward, if 14 years of age or over (interested party), notice of the proceeding must be given by mail, together with publication of the notice three times in a newspaper that is published in the county of the proceeding. This substitute amendment permits notice of a guardianship proceeding in which the proposed ward is a minor to be given by mail, together with *one* newspaper publication of the notice, when an interested party cannot be served personally.

Health services consent form

Under current law, a guardian of a child has the duty and authority to consent to major medical, psychiatric, and surgical treatment for the child and a legal custodian of a child has the right and duty to provide ordinary medical and dental care for the child. In the absence of guardianship or legal custody, however, a person who resides with a child or provides temporary or permanent care and supervision for a child (caregiver) does not have the authority to consent to health services for the child.

This substitute amendment creates a health services consent form that a parent may use to authorize a caregiver to consent to health services for the parent's child and to consent to the release of the child's patient health care records. Under the substitute amendment, a caregiver designated in a health services consent form has priority over all other individuals, other than a parent who is not currently denied periods of physical placement with the child, to make health care decisions as provided in the health services consent form. A health services consent form remains in effect for the time specified in the form, which may be for up to one year, may be revoked by the parent at any time, and is invalid if the child no longer lives with the caregiver. A health care provider or health care facility is immune from liability for complying with the decision of a caregiver that is made under a health

Or if the caregiver is no longer providing care and supervision for the child

services consent form and for acting contrary to a revocation of a health services consent form or a health services decision of a parent who is not currently denied periods of physical placement with the child, if the health care provider or health care facility does not have actual knowledge of the revocation or parent's decision. Similarly, a caregiver is immune from liability for making a decision in good faith under a health services consent form.

Guardianship and legal custody study

Finally, the substitute amendment requests the Joint Legislative Council to study state laws regarding guardianship and legal custody of children and the rights and responsibilities of guardians and legal custodians of children and, if the Joint Legislative Council conducts that study, to report its findings, conclusions, and recommendations to the legislature by January 1, 2005.

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

1 **SECTION 1.** 48.57 (3m) (a) 1. of the statutes is renumbered 48.57 (3m) (a) 1r.

2 **SECTION 2.** 48.57 (3m) (a) 1d. of the statutes is created to read:

3 48.57 **(3m)** (a) 1d. "Arrest" has the meaning given in sub. (3p) (a) 2.

4 **SECTION 3.** 48.57 (3m) (am) 2. of the statutes is amended to read:

5 48.57 **(3m)** (am) 2. The county department or department determines that the
6 child meets one or more of the criteria specified in s. 48.13 or 938.13, that the child
7 would be at risk of meeting one or more of those criteria if the child were to remain
8 in his or her home, or, if the child is 18 years of age or over, that the child would meet
9 or be at risk of meeting one or more of those criteria as specified in this subdivision
10 if the child were under 18 years of age; or the child has been living with the kinship
11 care relative for 2 years or longer.

12 **SECTION 4.** 48.57 (3m) (am) 4. of the statutes is amended to read:

13 48.57 **(3m)** (am) 4. The county department or department conducts a
14 background investigation under sub. (3p) of the kinship care relative, any employee
15 and prospective employee of the kinship care relative who has or would have regular

contact with the child for whom the payments would be made and any other adult resident of the kinship care relative's home to determine if the kinship care relative, employee, prospective employee or adult resident has any arrests or convictions that ~~could~~ are likely to adversely affect the child or the kinship care relative's ability to care for the child.

SECTION 5. 48.57 (3m) (am) 4m. of the statutes is amended to read:

48.57 **(3m)** (am) 4m. Subject to sub. (3p) (fm) 1. and 2., the kinship care relative states that he or she does not have any arrests or convictions that ~~could~~ are likely to adversely affect the child or the kinship care relative's ability to care for the child and that no adult resident, as defined in sub. (3p) (a), and no employee or prospective employee of the kinship care relative who would have regular contact with the child has any arrests or convictions that ~~could~~ are likely to adversely affect the child or the kinship care relative's ability to care for the child.

SECTION 6. 48.57 (3m) (d) of the statutes is renumbered 48.57 (3m) (d) (intro.) and amended to read:

48.57 **(3m)** (d) (intro.) A county department or, in a county having a population of 500,000 or more, the department shall review a placement of a child for which the county department or department makes payments under par. (am) not less than every 12 months after the county department or department begins making those payments to determine whether the kinship care relative is still providing care and maintenance for the child and whether the conditions specified in par. (am) 1. to 6. continue to exist. ~~If those conditions~~ If the kinship care relative is no longer providing care and maintenance for the child, the county department or department shall discontinue making those payments effective immediately upon providing written notice of the discontinuation to the kinship care relative, except that the

and if the county department or department has approved that absence from the home

county department or department may not discontinue making those payments on the grounds that the kinship care relative is no longer providing care and maintenance for the child if the child is outside the home of the kinship care relative for 90 days or less with the intent of returning to the home. If any of the conditions specified in par. (am) 1. to 6. do not continue to exist, the county department or department shall discontinue making those payments after providing the kinship care relative whose payments are being discontinued with written notice of that discontinuation not less than 10 days before the date on which those payments are to be discontinued. The notice shall advise the kinship care relative of all of the following:

SECTION 7. 48.57 (3m) (d) 1. to 4. of the statutes are created to read:

48.57 **(3m)** (d) 1. That, if the payments are being discontinued on the grounds that the kinship care relative is no longer providing care and maintenance for the child, the kinship care relative may petition the department under par. (g) for a review of that discontinuation by submitting a petition for review within 45 days after the date of the notice of discontinuation.

2. That, if the payments are being discontinued on the grounds that a condition specified in par. (am) 1., 2., 5., 5m., or 6. does not continue to exist or based on arrest record, the kinship care relative may petition the department under par. (g) for a review of that discontinuation by submitting a petition for review within 45 days after the date on which those payments are discontinued.

3. That, if the payments are being discontinued based on conviction record, the kinship care relative may request a review of that discontinuation by submitting a request for review under sub. (3p) (h) 2. within 45 days after the date on which those payments are discontinued.

4. That, if the kinship care relative submits a petition for review under par. (g) or sub. (3p) (h) within the applicable time limit specified in par. (g) 2., or sub. (3p) (h) 2m., the kinship care relative's payments may not be discontinued, except as provided in par. (g) 2. a. or b. or sub. (3p) (h) 2m. a. or b., until a final decision is rendered on the petition for review, but that payments made pending the decision may be recovered by the county department or department if the discontinuation is upheld.

SECTION 8. 48.57 (3m) (f) of the statutes is amended to read:

48.57 **(3m)** (f) Any person whose application for payments under par. (am) is not acted on ~~promptly~~ within 45 days after receipt of a completed application or is denied on the grounds that a condition specified in par. (am) 1., 2., 5., 5m., or 6. has not been met and any person whose payments under par. (am) are discontinued under par. (d) 1. or 2. may petition the department under par. (g) for a review of that ~~action or~~ failure to act, denial, or discontinuation. Review is unavailable if the ~~action or~~ failure to act, denial, or discontinuation arose more than 45 days before submission of the petition for review.

SECTION 9. 48.57 (3m) (g) 1. (intro.) of the statutes is amended to read:

48.57 **(3m)** (g) 1. (intro.) Upon receipt of a timely petition under par. (f) the department shall give the applicant or recipient reasonable notice and an opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and to the county department or subunit of the department whose ~~action or~~ failure to act, denial, or discontinuation is the subject of the petition. That county department or subunit of the department may be represented at the hearing. The department shall render its decision ~~as soon as possible after the~~

~~hearing~~ no later than 30 days after receipt of the petition under par. (f) and shall send a certified copy of its decision to the applicant or recipient and to the county department or subunit of the department whose ~~action or~~ failure to act, denial, or discontinuation is the subject of the petition. The decision of the department shall have the same effect as an order of the county department or subunit of the department whose ~~action or~~ failure to act, denial, or discontinuation is the subject of the petition. The decision shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for review or shall refuse to grant relief if any of the following applies:

SECTION 10. 48.57 (3m) (g) 2. of the statutes is amended to read:

48.57 **(3m)** (g) 2. If a recipient whose payments under par. (am) are being discontinued on the grounds that the recipient is no longer providing care and maintenance for the child requests a hearing within 10 days after the date of notice that his or her payments under par. (am) are being discontinued or if a recipient whose payments under par. (am) are being discontinued on the grounds that a condition specified in par. (am) 1., 2., 5., 5m., or 6. does not continue to exist or on the grounds of arrest record requests a hearing before the date on which his or her payments under par. (am) are to be discontinued, those payments may not be discontinued, except as provided in subd. 2. a. or b., until a decision is rendered after the hearing, but payments made pending the hearing decision may be recovered by the county department or department if the ~~contested action or failure to act~~ discontinuation is upheld. The department shall promptly notify the county department of the county in which the recipient resides or, if the recipient resides in a county having a population of 500,000 or more, the subunit of the department administering ~~of the~~ kinship care ~~program~~ in that county that the recipient has

requested a hearing. Payments under par. (am) shall be discontinued pending a hearing decision if any of the following applies:

SECTION 11. 48.57 (3n) (a) 1. of the statutes is renumbered 48.57 (3n) (a) 1r.

SECTION 12. 48.57 (3n) (a) 1d. of the statutes is created to read:

48.57 **(3n)** (a) 1d. "Arrest" has the meaning given in sub. (3p) (a) 2.

SECTION 13. 48.57 (3n) (am) 4m. of the statutes is amended to read:

48.57 **(3n)** (am) 4m. Subject to sub. (3p) (fm) 1m. and 2m., the long–term kinship care relative states that he or she does not have any arrests or convictions that ~~could~~ are likely to adversely affect the child or the long–term kinship care relative's ability to care for the child and that, to the best of the long–term kinship care relative's knowledge, no adult resident, as defined in sub. (3p) (a), and no employee or prospective employee of the long–term kinship care relative who would have regular contact with the child has any arrests or convictions that ~~could~~ are likely to adversely affect the child or the long–term kinship care relative's ability to care for the child.

SECTION 14. 48.57 (3n) (d) of the statutes is renumbered 48.57 (3n) (d) (intro.) and amended to read:

48.57 **(3n)** (d) (intro.) The county department or, in a county having a population of 500,000 or more, the department shall, at least once every 12 months after the county department or department begins making payments under this subsection, determine whether the conditions specified in par. (am) 1. to 5r. continue to exist and whether any of the events specified in par. (am) 6. a. to f. ~~have~~ has occurred. If any ~~such events have~~ event specified in par. (am) 6. a. to f. has occurred, the county department or department shall discontinue making those payments immediately upon providing written notice of the discontinuation to the long–term

and if the county department or department has approved that absence from the home

kinship care relative, except that the county department or department may not discontinue making those payments on the grounds that the long–term kinship care relative is no longer providing care and maintenance for the child if the child is outside the home of the long–term kinship care relative for 90 days or less with the intent of returning to the home. If any of the conditions specified in par. (am) 1. to 5r. do not continue to exist, the county department or department shall discontinue making those payments after providing the long–term kinship care relative whose payments are being discontinued with written notice of that discontinuation not less than 10 days before the date on which those payments are to be discontinued. The notice shall advise the long–term kinship care relative of all of the following:

SECTION 15. 48.57 (3n) (d) 1. to 3. of the statutes are created to read:

48.57 **(3n)** (d) 1. That, if the payments are being discontinued on the grounds that an event specified in par. (am) 6. a. to f. has occurred, the long–term kinship care relative may petition the department under par. (g) for a review of that discontinuation by submitting a petition for review within 45 days after the date of the notice of discontinuation.

2. That, if the payments are being discontinued on the grounds that a condition specified in par. (am) 1. to 5r. does not continue to exist, the long–term kinship care relative may petition the department under par. (g) for a review of that discontinuation by submitting a petition for review within 45 days after the date on which those payments are discontinued.

3. That, if the long–term kinship care relative submits a petition for review under par. (g) within the time limit specified in par. (g) 2., the long–term kinship care relative's payments may not be discontinued, except as provided in par. (g) 2. a. or b., until a final decision is rendered on the petition for review, but that payments

made pending the decision may be recovered by the county department or department if the discontinuation is upheld.

SECTION 16. 48.57 (3n) (f) of the statutes is amended to read:

48.57 **(3n)** (f) Any person whose application for payments under par. (am) is not acted on ~~promptly~~ within 45 days after receipt of a completed application or is denied on the grounds that a condition specified in par. (am) 1., 2., 5., 5m., or 5r. has not been met and any person whose payments under par. (am) are discontinued under par. (d) may petition the department under par. (g) for a review of that ~~action or~~ failure to act, denial, or discontinuation. Review is unavailable if the ~~action or~~ failure to act, denial, or discontinuation arose more than 45 days before submission of the petition for review.

SECTION 17. 48.57 (3n) (g) 1. (intro.) of the statutes is amended to read:

48.57 **(3n)** (g) 1. (intro.) Upon receipt of a timely petition under par. (f) the department shall give the applicant or recipient reasonable notice and an opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and to the county department or subunit of the department whose ~~action or~~ failure to act, denial, or discontinuation is the subject of the petition. That county department or subunit of the department may be represented at the hearing. The department shall render its decision ~~as soon as possible after the hearing~~ no later than 30 days after receipt of the petition under par. (f) and shall send a certified copy of its decision to the applicant or recipient and to the county department or subunit of the department whose ~~action or~~ failure to act, denial, or discontinuation is the subject of the petition. The decision of the department shall have the same effect as an order of the county department or subunit of the

department whose ~~action or~~ failure to act, denial, or discontinuation is the subject of the petition. The decision shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for review or shall refuse to grant relief if any of the following applies:

SECTION 18. 48.57 (3n) (g) 2. of the statutes is amended to read:

48.57 **(3n)** (g) 2. If a recipient whose payments under par. (am) are being discontinued on the grounds that an event specified in par. (am) 6. a. to f. has occurred requests a hearing within 10 days after the date of notice that his or her payments under par. (am) are being discontinued or if a recipient whose payments under par. (am) are being discontinued on the grounds that a condition specified in par. (am) 1. to 5r. does not continue to exist requests a hearing before the date on which his or her payments under par. (am) are to be discontinued, those payments may not be discontinued, except as provided in subd. 2. a. or b., until a decision is rendered after the hearing, but payments made pending the hearing decision may be recovered by the county department or department if the ~~contested action or failure to act~~ discontinuation is upheld. The department shall promptly notify the county department of the county in which the recipient resides or, if the recipient resides in a county having a population of 500,000 or more, the subunit of the department administering ~~of the~~ long–term kinship care ~~program~~ in that county that the recipient has requested a hearing. Payments under par. (am) shall be discontinued pending a hearing decision if any of the following applies:

SECTION 19. 48.57 (3p) (a) of the statutes is renumbered 48.57 (3p) (a) (intro.) and amended to read:

48.57 **(3p)** (a) (intro.) In this subsection~~, "adult resident"~~:

1. Adult resident" means a person 18 years of age or over who lives at the home of a person who has applied for or is receiving payments under sub. (3m) or (3n) with the intent of making that home his or her home or who lives for more than 30 days cumulative in any 6–month period at the home of a person who has applied for or is receiving payments under sub. (3m) or (3n).

SECTION 20. 48.57 (3p) (a) 2. of the statutes is created to read:

48.57 **(3p)** (a) 2. "Arrest" means an arrest for a violation for which the person arrested, if convicted, would be disqualified from receiving payments under sub. (3m) for a reason specified in par. (g) 1., 2., or 3.

SECTION 21. 48.57 (3p) (d) of the statutes is amended to read:

48.57 **(3p)** (d) If the person being investigated under par. (b) or (c) is a nonresident, or at any time within the 5 years preceding the date of the application has been a nonresident, or if the county department or, in a county having a population of 500,000 or more, the department of health and family services determines that the person's employment, licensing, or state court records provide a reasonable basis for further investigation, the county department or department of health and family services shall 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 arrest and conviction~~ arrests and convictions.

SECTION 22. 48.57 (3p) (e) 4. of the statutes is amended to read:

48.57 **(3p)** (e) 4. Information regarding the ~~conviction record of the person~~ person's record of arrests and convictions under the law of this state or any other

state or under federal law. This information shall be provided on a notarized background verification form that the department shall provide by rule.

SECTION 23. 48.57 (3p) (fm) 1. of the statutes is amended to read:

48.57 **(3p)** (fm) 1. The county department or, in a county having a population of 500,000 or more, the department of health and family services may provisionally approve the making of payments under sub. (3m) based on the applicant's statement under sub. (3m) (am) 4m. The county department or department of health and family services may not finally approve the making of payments under sub. (3m) unless the county department or department of health and family services receives information from the department of justice indicating that the arrest and conviction record of the applicant under the law of this state ~~is satisfactory according to the criteria specified in par. (g) 1. to 3.~~ does not include any arrest or conviction that the county department or department of health and family services determines is likely to adversely affect the child or the ability of the applicant to care for the child or payment is approved under par. (h) 4. The county department or department of health and family services may make payments under sub. (3m) conditioned on the receipt of information from the federal bureau of investigation indicating that the person's arrest and conviction record under the law of any other state or under federal law ~~is satisfactory according to the criteria specified in par. (g) 1. to 3~~ does not include any arrest or conviction that the county department or department of health and family services determines is likely to adversely affect the child or the ability of the applicant to care for the child.

SECTION 24. 48.57 (3p) (fm) 1m. of the statutes is amended to read:

48.57 **(3p)** (fm) 1m. The county department or, in a county having a population of 500,000 or more, the department of health and family services may not enter into the agreement under sub. (3n) (am) 6. unless the county department or department

of health and family services receives information from the department of justice ~~relating to the~~ indicating that the arrest and conviction record of the applicant under the law of this state ~~and that record indicates either that the applicant has not been arrested or convicted or that the applicant has been arrested or convicted but~~ does not include any arrest or conviction that the director of the county department or, in a county having a population of 500,000 or more, the person designated by the secretary of health and family services to review arrest and conviction records under this subdivision determines ~~that the conviction record is satisfactory because it does not include any arrest or conviction that the director or person designated by the secretary determines~~ is likely to adversely affect the child or the ~~long–term kinship care relative's~~ applicant's ability to care for the child. The county department or, in a county having a population of 500,000 or more, the department of health and family services may make payments under sub. (3n) conditioned on the receipt of information from the federal bureau of investigation indicating that the person's arrest and conviction record under the law of any other state or under federal law ~~is satisfactory because the conviction record~~ does not include any arrest or conviction that the director of the county department or, in a county having a population of 500,000 or more, the person designated by the secretary of health and family services to review arrest and conviction records under this subdivision determines is likely to adversely affect the child or the ~~long–term kinship care relative's~~ person's ability to care for the child.

SECTION 25. 48.57 (3p) (fm) 2. of the statutes is amended to read:

48.57 **(3p)** (fm) 2. A person receiving payments under sub. (3m) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally

permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of 500,000 or more, the department of health and family services that the employee or adult resident does not have any arrests or convictions that ~~could~~ are likely to adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payments under sub. (3m) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of 500,000 or more, the department of health and family services receives information from the department of justice indicating that the person's arrest and conviction record under the law of this state ~~is satisfactory according to the criteria specified in par. (g) 1. to 3. and the county department or, in a county having a population of 500,000 or more, the department of health and family services so advises the person receiving payments under sub. (3m)~~ does not include any arrest or conviction that the county department or department of health and family services determines is likely to adversely affect the child or the ability of the person receiving payments to care for the child or until a decision is made under par. (h) 4. to permit ~~a person who is receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or to permit a~~ the person to be so employed or to be an adult resident ~~and the county department or, in a county having a population of 500,000 or more, the department of health and family services so advises the person receiving payments under sub. (3m)~~. A person receiving payments under sub. (3m) may finally employ a person in a position in which that person would have regular contact with the child for whom those

payments are being made or finally permit a person to be an adult resident conditioned on the receipt of information ~~from~~ by the county department or, in a county having a population of 500,000 or more, the department of health and family services ~~that~~ from the federal bureau of investigation ~~indicates~~ indicating that the person's arrest and conviction record under the law of any other state or under federal law ~~is satisfactory according to the criteria specified in par. (g) 1. to 3~~ does not include any arrest or conviction that the county department or department of health and family services determines is likely to adversely affect the child or the ability of the person receiving payments to care for the child.

SECTION 26. 48.57 (3p) (fm) 2m. of the statutes is amended to read:

48.57 **(3p)** (fm) 2m. A person receiving payments under sub. (3n) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of 500,000 or more, the department of health and family services that, to the best of his or her knowledge, the employee or adult resident does not have any arrests or convictions that ~~could~~ are likely to adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payment under sub. (3n) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of 500,000 or more, the department of health and family services receives information from the department of justice ~~relating to the person's~~ indicating that the arrest and conviction record of the person under the law of this state ~~and that record indicates~~

1 ~~either that the person has not been arrested or convicted or that the person has been~~
2 ~~arrested or convicted but~~ does not include any arrest or conviction that the director
3 of the county department or, in a county having a population of 500,000 or more, the
4 person designated by the secretary of health and family services to review arrest and
5 conviction records under this subdivision determines ~~that the conviction record is~~
6 ~~satisfactory because it does not include any arrest or conviction that~~ is likely to
7 adversely affect the child or the ~~long–term kinship care relative's~~ ability of the person
8 receiving payments to care for the child ~~and the county department or department~~
9 ~~of health and family services so advises the person receiving payments under sub.~~
10 ~~(3n)~~. A person receiving payments under sub. (3n) may finally employ a person in
11 a position in which that person would have regular contact with the child for whom
12 those payments are being made or finally permit a person to be an adult resident
13 conditioned on the receipt of information ~~from~~ by the county department or, in a
14 county having a population of 500,000 or more, the department of health and family
15 services ~~that~~ from the federal bureau of investigation ~~indicates~~ indicating that the
16 person's arrest and conviction record under the law of any other state or under
17 federal law ~~is satisfactory because the conviction record~~ does not include any arrest
18 for which a criminal charge is pending or conviction that the director of the county
19 department or, in a county having a population of 500,000 or more, the person
20 designated by the secretary of health and family services to review arrest and
21 conviction records under this subdivision determines is likely to adversely affect the
22 child or the ~~long–term kinship care relative's~~ ability of the person receiving
23 payments to care for the child.

24 **SECTION 27.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

48.57 **(3p)** (g) (intro.) Except as provided in par. (h), the county department or, in a county having a population of 500,000 or more, the department of health and family services may not make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may not employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or permit a person to be an adult resident if ~~any of the following applies~~ the person has been convicted or penalized as follows and if the county department or the department of health and family services determines that the conviction or penalty is likely to adversely affect the child or the ability of the person applying for or receiving payments to care for the child:

SECTION 28. 48.57 (3p) (h) 1. of the statutes is amended to read:

48.57 **(3p)** (h) 1. A person who is denied payments under sub. (3m) ~~for a reason specified in par. (g) 1., 2. or 3.~~ based on the person's conviction record, a person whose payments under sub. (3m) are discontinued based on the person's conviction record, or a person who is prohibited from employing a person in a position in which that person would have regular contact with the child for whom payments under sub. (3m) are being made or from permitting a person to be an adult resident ~~for a reason specified in par. (g) 1., 2. or 3.~~ based on the person's conviction record may request that the denial or discontinuation of payments or the prohibition on employment or being an adult resident be reviewed under subd. 2. Review is unavailable if the denial, discontinuation, or prohibition occurred more than 45 days before submission of the request for review.

SECTION 29. 48.57 (3p) (h) 2m. of the statutes is created to read:

48.57 **(3p)** (h) 2m. If a person whose payments under sub. (3m) are being discontinued based on the person's conviction record requests a review before the

date on which those payments are to be discontinued, those payments may not be discontinued, except as provided in subd. 2m. a. or b., until a decision is rendered after the review but payments made pending the review decision may be recovered by the county department or department if the discontinuation is upheld. Payments under sub. (3m) shall be discontinued if any of the following applies:

a. The person is contesting a state law or a change in state law and not the determination of the payment made on the person's behalf.

b. The person is notified of a change in his or her payments under sub. (3m) while the review decision is pending but the person fails to request a review of the change.

SECTION 30. 48.57 (3p) (h) 3. of the statutes is amended to read:

48.57 **(3p)** (h) 3. The director of the county department, the person designated by the governing body of a federally recognized American Indian tribe or band or, in a county having a population of 500,000 or more, the person designated by the secretary of health and family services shall review the denial <u>or discontinuation</u> of payments or the prohibition on employment or being an adult resident to determine if the conviction ~~record~~ on which the denial<u>, discontinuation,</u> or prohibition is based ~~includes any arrests, convictions or penalties that are~~ <u>is</u> likely to adversely affect the child or the ability of the ~~kinship care relative~~ <u>person</u> to care for the child. In reviewing the denial<u>, discontinuation,</u> or prohibition, the director of the county department, the person designated by the governing body of the federally recognized American Indian tribe or band or the person designated by the secretary of health and family services shall consider, but not be limited to, all of the following factors:

a. The length of time between the date of the ~~arrest,~~ conviction or of the imposition of the penalty and the date of the review.

b. The nature of the violation or penalty and how that violation or penalty affects the ability of the ~~kinship care relative~~ petitioner to care for the child.

c. Whether ~~making an exception to~~ the denial, discontinuation, or prohibition ~~would be~~ is in the best interests of the child.

SECTION 31. 48.57 (3p) (h) 4. of the statutes is amended to read:

48.57 **(3p)** (h) 4. If the director of the county department, the person designated by the governing body of the federally recognized American Indian tribe or band, or, in a county having a population of 500,000 or more, the person designated by the secretary of health and family services determines that the conviction record on which the denial or discontinuation of payments or the prohibition on employment or being an adult resident is based does not include any ~~arrests,~~ convictions or penalties that are likely to adversely affect the child or the ability of the ~~kinship care relative~~ person requesting the review to care for the child, the director of the county department, the person designated by the governing body of the federally recognized American Indian tribe or band, or the person designated by the secretary of health and family services may approve the making of payments under sub. (3m) or may permit a person receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or permit a person to be an adult resident.

SECTION 32. 48.57 (3p) (h) 5. of the statutes is amended to read:

48.57 **(3p)** (h) 5. A decision under this paragraph is ~~not~~ subject to review under ~~ch. 227~~ par. (hg).

SECTION 33. 48.57 (3p) (hg) of the statutes is created to read:

48.57 **(3p)** (hg) 1. If on review under par. (h) a denial or discontinuation of payments under sub. (3m) or a prohibition on employment or being an adult resident

1 is upheld, the person who requested the review may petition the department under
2 subd. 2. for a review of that denial, discontinuation, or prohibition. Review is
3 unavailable if the denial, discontinuation, or prohibition was upheld more than 45
4 days before submission of the petition for review.

5 2. Upon receipt of a timely petition under subd. 1. the department shall give
6 the petitioner reasonable notice and an opportunity for a fair hearing. The
7 department may make such additional investigation as it considers necessary.
8 Notice of the hearing shall be given to the petitioner and to the county department
9 or subunit of the department whose denial, discontinuation, or prohibition is the
10 subject of the petition. That county department or subunit of the department may
11 be represented at the hearing. The department shall render its decision as soon as
12 possible after the hearing and shall send a certified copy of its decision to the
13 applicant or recipient and to the county department or subunit of the department
14 whose denial, discontinuation, or prohibition is the subject of the petition. The
15 decision of the department shall have the same effect as an order of the county
16 department or subunit of the department whose denial, discontinuation, or
17 prohibition is the subject of the petition. The decision shall be final, but may be
18 revoked or modified as altered conditions may require. The department shall deny
19 a petition for review or shall refuse to grant relief if any of the following applies:

20 a. The petitioner withdraws the petition in writing.

21 b. The sole issue in the petition concerns a change that affects an entire class
22 of recipients and is the result of a change in state law.

23 c. The petitioner abandons the petition. Abandonment occurs if the petitioner
24 fails to appear in person or by a representative at a scheduled hearing without good
25 cause, as determined by the department.

1 3. If a person whose payments under sub. (3m) are being discontinued based
2 on the person's conviction record requests a hearing before the date on which those
3 payments are to be discontinued, those payments may not be discontinued, except
4 as provided in subd. 3. a. or b., until a decision is rendered after the hearing but
5 payments made pending the hearing decision may be recovered by the county
6 department or department if the discontinuation is upheld. The department shall
7 promptly notify the county department of the county in which the person resides or,
8 if the person resides in a county having a population of 500,000 or more, the subunit
9 of the department administering kinship care in that county that the person has
10 requested a hearing. Payments under sub. (3m) shall be discontinued if any of the
11 following applies:

12 a. The person is contesting a state law or a change in state law and not the
13 determination of the payment made on the person's behalf.

14 b. The person is notified of a change in his or her payments under sub. (3m)
15 while the hearing decision is pending but the person fails to request a hearing on the
16 change.

17 4. The person requesting the hearing shall be promptly informed in writing if
18 his or her payments under sub. (3m) are to be discontinued pending the hearing
19 decision.

20 **SECTION 34.** 48.57 (3p) (hm) of the statutes is amended to read:

21 48.57 **(3p)** (hm) A county department or, in a county having a population of
22 500,000 or more, the department may not make payments to a person under sub. (3n)
23 and a person receiving payments under sub. (3n) may not employ a person in a
24 position in which that person would have regular contact with the child for whom
25 payments are being made or permit a person to be an adult resident if the director

of the county department or, in a county having a population of 500,000 or more, the person designated by the secretary to review arrest and conviction records under this paragraph determines that the person has any arrest or conviction that is likely to adversely affect the child or the ~~long-term kinship care relative's~~ ability of the person receiving payments to care for the child.

SECTION 35. 48.57 (3r) of the statutes is created to read:

48.57 **(3r)** If the amounts in the appropriation under s. 20.435 (3) (kc) are insufficient to provide payments under sub. (3m) (am) (intro.) or (3n) (am) (intro.) to all persons who are eligible to receive those payments, the department may request the secretary of administration under s. 16.515 to supplement that appropriation for the purpose of increasing funding for those payments. Notwithstanding s. 16.515 (1), the secretary of administration may supplement the appropriation under s. 20.435 (3) (kc) if all of the following occur:

(a) The secretary of administration determines that the amounts in the appropriation are insufficient to provide payments under sub. (3m) (am) (intro.) or (3n) (am) (intro.) to all persons who are eligible to receive those payments.

(b) The joint committee on finance either does not schedule a meeting for the purpose of reviewing the proposed supplementation within 14 working days after the secretary of administration notifies the committee of the proposed supplementation or, if the committee schedules a meeting for the purpose of reviewing the proposed supplementation, the committee approves the proposed supplementation.

SECTION 36. 48.57 (3t) of the statutes is amended to read:

48.57 **(3t)** Notwithstanding subs. (3m), (3n), and (3p), the department may enter into an agreement with the governing body of a federally recognized American Indian tribe or band to allow that governing body to administer the program under

1 subs. (3m), (3n), and (3p) within the boundaries of that reservation. Any agreement
2 under this subsection relating to the administration of the program under sub. (3m)
3 shall specify the person with whom a request for review under sub. (3p) (h) 2. may
4 be filed and the person who has been designated by the governing body to conduct
5 the review under sub. (3p) (h) 3. and make the determination under sub. (3p) (h) 4.
6 Any agreement under this subsection relating to the administration of the program
7 under sub. (3n) shall specify who is to make any determination as to whether ~~a~~ an
8 arrest and conviction record is satisfactory.

9 **SECTION 37.** 48.979 of the statutes is created to read:

10 **48.979 Authorization to consent to health services. (1)** DEFINITIONS. In
11 this section:

12 (a) "Caregiver" means an individual 18 years of age or over who resides with
13 a child or provides temporary or permanent care and supervision for a child.

14 (b) "Health care facility" has the meaning given in s. 155.01 (6).

15 (c) "Health care provider" has the meaning given in s. 146.81 (1).

16 (d) "Health services" means any emergency or nonemergency care, treatment,
17 service, or procedure to maintain, diagnose, or treat a physical or mental condition.

18 **(2)** AUTHORIZING A CAREGIVER TO CONSENT TO HEALTH SERVICES. (a) A parent may
19 authorize a caregiver to consent to health services for the parent's child by
20 completing a health services consent form.

21 (b) A valid health services consent form shall be all of the following:

22 1. In writing.

23 2. Dated and signed by the parent and the caregiver whom the parent is
24 authorizing to consent to health services for the child.

25 3. Voluntarily executed.

1 (c) A health services consent form under this section shall remain in effect for
2 the period of time specified on the form, which period may not exceed one year from
3 the date on which the form is executed, unless the form is revoked or otherwise made
4 invalid earlier.

5 (d) Nothing in this section shall be construed to make invalid other instruments
6 that are voluntarily executed by a parent authorizing an individual or other entity
7 to consent to health services for the parent's child.

8 **(3)** EFFECT OF HEALTH SERVICES CONSENT FORM; FORM. (a) Unless the health
9 services consent form, a guardianship order, or any other court order provides
10 otherwise, a caregiver designated in a health services consent form whom a health
11 care provider knows is available to consent to health services for a child has priority
12 over all other individuals other than a parent who is not currently denied periods of
13 physical placement with the child to make health services decisions as provided in
14 the health services consent form.

15 (b) The department shall prepare the health services consent form and
16 accompanying information. The department shall include, in information
17 accompanying the form, at least the statutory definitions of the terms used in the
18 form. The department shall prepare the form and accompanying information in
19 English, Spanish, and other languages spoken by a significant number of state
20 residents, as determined by the department. The department shall make the health
21 services consent form available at no charge on the Internet. The health services
22 consent form prepared by the department shall be in substantially the following
23 form:

24 HEALTH SERVICES CONSENT

1 *Use of form:* Use of this form is voluntary, but completion of the form will aid
2 the caregiver of a child in ensuring that appropriate and timely health care is
3 provided for the child. The form is to be completed by the parent of a child who resides
4 with another adult or who is being cared for by another adult.

5 *Instructions:* If additional space is needed, attach a separate sheet or use
6 reverse side of this form.

7 AUTHORIZATION TO CONSENT
8 TO HEALTH SERVICES

9 I, ... (print name of parent), hereby authorize my child's caregiver .... (print
10 name of caregiver), who currently resides with or is providing care for (cross out
11 "currently resides with or" or "or is providing care for," if inapplicable) my child, ...
12 (print name and date of birth of child), to do the following for my child:

13 *A. Health Services Consent and Exclusions:*

14 Provide consent for emergency and nonemergency health services for my child,
15 .... (print name of child), including medical and dental examinations and prescribed
16 treatments, including surgery, with the following exceptions: (If there are no
17 exceptions, write "none.")

18 .....

19 .....

20 All health services will be provided under the direction of a licensed dental care
21 provider or physician or other licensed health care provider as appropriate.

1 *B. Child's Health Care Records.* Provide consent to the release of the patient
2 health care records of my child, ... (print name of child), with the following
3 exceptions: (If there are no exceptions, write "none.")
4 .....
5 .....
6 The authority granted under this health services consent form shall remain in
7 effect until .... (print date), unless revoked or made invalid earlier. (The parent may
8 specify any date agreed to between the parent and caregiver up to one year after the
9 date on which the form is signed.)
10 Signature of parent .... Date ....
11 Name of parent (print) ....
12 STATEMENT OF CAREGIVER
13 I understand that .... (name of parent) has authorized me to make health
14 services decisions for .... (name of child). I agree to make health services decisions
15 for the above–named child consistent with what I and the child's health care
16 providers believe is in the child's best interest, consistent with the authority granted
17 in this form, and consistent with any other wishes or beliefs of the child's parent of
18 which I am aware.
19 Signature of Caregiver .... Date ....
20 CONTACT INFORMATION
21 *A. Parent:*
22 Name (print) ....
23 Home address .... Home telephone number ....
24 Work address .... Work telephone number ....
25 Other address (specify) .... Other telephone number ....

1 *B. Caregiver:*

2 Name (print) ....

3 Home address .... Home telephone number ....

4 Work address .... Work telephone number ....

5 Other address (specify) .... Other telephone number ....

6 **(4)** REVOCATION OF HEALTH SERVICES FORM. (a) A parent may revoke a health
7 services consent form at any time by doing any of the following:

8 1. Canceling, defacing, obliterating, burning, tearing, or otherwise destroying
9 the health services consent form.

10 2. Executing a statement, in writing, that is signed and dated by the parent,
11 expressing the parent's intent to revoke the health services consent form.

12 3. Executing a subsequent health services consent form.

13 (b) A health services consent form is not valid if the child no longer resides with
14 the caregiver. or if the caregiver is no longer providing temporary or permanent care and supervision for the child

15 (c) If a caregiver knows that the instrument that authorized him or her to make
16 health services decisions for a child has been revoked or is no longer valid, the
17 caregiver shall communicate this fact to any health care provider for the child that
18 the caregiver knows has a copy of the health services consent form.

19 (d) The child's health care provider shall, upon notification of revocation or
20 invalidity of the health services consent form, record in the child's medical record the
21 time, date, and place of the notification to the health care provider of the revocation
22 or invalidity.

23 **(5)** DUTIES AND IMMUNITIES. (a) No health care facility or health care provider
24 may be charged with a crime, held civilly liable, or charged with unprofessional

1 conduct for any of the following in providing health services under a health services
2 consent form:

3 1. Complying, in the absence of actual knowledge of a revocation, with the
4 terms of a health services consent form that is in compliance with this section or the
5 decision of a caregiver that is made under a health services consent form that is in
6 compliance with this section.

7 2. Acting contrary to or failing to act on a revocation of a health services consent
8 form, unless the health care facility or health care provider has actual knowledge of
9 the revocation.

10 3. Acting contrary to or failing to act on the health services decision of a parent
11 who is not currently denied periods of physical placement with the child, unless the
12 health care facility or health care provider has actual knowledge of the parent's
13 health services decision.

14 (b) In the absence of actual notice to the contrary, a health care facility or health
15 care provider may presume that a parent was authorized to execute the health
16 services consent form under the requirements of this section and that the form is
17 valid.

18 (c) No caregiver may be charged with a crime or held civilly liable for making
19 a decision in good faith under a health services consent form that is in compliance
20 with this section.

21 **(6)** PENALTIES. (a) Whoever knowingly falsifies or forges a health services
22 consent form with intent to create the false impression that a person other than the
23 caregiver has been designated to consent to health services for a child is subject to
24 a forfeiture not to exceed $200.

1 (b) Whoever gives or attempts to give consent for health services based on a
2 health services consent form that the individual knows has been executed without
3 the voluntary consent of the parent, that the individual knows has been forged or
4 substantially altered without the authorization of the child's parent, or that the
5 individual knows has been revoked, with the intent to act contrary to the parent's
6 wishes may be fined not more than $500 or imprisoned for not more than 30 days or
7 both.

8 **SECTION 38.** 49.155 (5) of the statutes is renumbered 49.155 (5) (a) and
9 amended to read:

10 49.155 **(5)** (a) An individual is liable for the percentage of the cost of the child
11 care specified by the department in a printed copayment schedule <u>except as provided</u>
12 <u>in pars. (b), (c), and (d)</u>.

13 <u>(b)</u> An individual who is under the age of 20 and is attending high school or
14 participating in a course of study meeting the standards established under s. 115.29
15 (4) for the granting of a declaration of equivalency to high school graduation may not
16 be determined liable for more than the minimum copayment amount for the type of
17 child care received and the number of children receiving child care.

18 **SECTION 39.** 49.155 (5) (c) and (d) of the statutes are created to read:

19 49.155 **(5)** (c) An individual who is eligible to receive payments under s. 48.57
20 (3m) or (3n) for providing care and maintenance for a child is not liable for a
21 copayment for the child.

22 (d) An individual who the department specifies, by rule, is not liable for a
23 copayment.

24 **SECTION 40.** 880.08 (3) (am) (intro.) of the statutes is amended to read:

1 880.08 **(3)** (am) (intro.) When the proposed ward is a minor, notice shall be
2 given as provided in s. 879.05 to all of the following persons, if applicable, except that
3 notice required to be given by publication shall be published as a class 1 notice:

4 **SECTION 41. Nonstatutory provisions.**

5 (1) GUARDIANSHIP AND LEGAL CUSTODY OF CHILDREN. The joint legislative council
6 is requested to study state laws regarding guardianship and legal custody of children
7 and the rights and responsibilities of guardians and legal custodians of children. If
8 the joint legislative council conducts the study, the joint legislative council shall
9 report its findings, conclusions, and recommendations to the legislature in the
10 manner provided under section 13.172 (2) of the statutes by January 1, 2005.

11 (2) KINSHIP CARE FUNDING MANAGEMENT. The department of health and family
12 services shall study methods to manage the funding appropriated for kinship care
13 payments in order to minimize the need for waiting lists for kinship care payments.
14 The department shall submit a report summarizing the results of the study to the
15 appropriate standing committees of the legislature in the manner provided under
16 section 13.172 (3) of the statutes by June 30, 2004.

17 **(END)**