

ENGROSSED ASSEMBLY BILL 100

SECTION 898

1 **SECTION 898.** 46.95 (2) (a) of the statutes is amended to read:

2 46.95 (2) (a) The secretary shall make grants from the appropriations under
3 s. 20.435 (3) (cd), and (hh) and (km) to organizations for the provision of any of the
4 services specified in sub. (1) (d). Grants may be made to organizations which have
5 provided those domestic abuse services in the past or to organizations which propose
6 to provide those services in the future. No grant may be made to fund services for
7 child or unborn child abuse or abuse of elderly persons.

8 **SECTION 898c.** 46.95 (2) (d) 1. of the statutes is repealed.

9 **SECTION 898e.** 46.95 (2) (d) 2. of the statutes is renumbered 46.95 (2) (d) and
10 amended to read:

11 46.95 (2) (d) ~~Not more than 33 1/3% of the 30% of an organization's operating~~
12 ~~budget not funded by grants under this section may consist of the value of An~~
13 organization that receives a grant under this section shall provide matching funds
14 or in-kind contributions that are equal to 25 percent of the amount of the grant. The
15 department shall establish guidelines regarding which contributions qualify as
16 in-kind contributions.

17 **SECTION 899.** 46.95 (2) (f) (intro.) of the statutes is amended to read:

18 46.95 (2) (f) (intro.) From the appropriations under s. 20.435 (3) (cd), and (hh)
19 ~~and (km)~~, the department shall do all of the following:

20 **SECTION 900.** 46.95 (2) (f) 7. of the statutes is amended to read:

21 46.95 (2) (f) 7. Award ~~a grant of \$25,000 grants~~ in each fiscal year to each of
22 30 organizations to enhance support services. Funding may be used for such
23 purposes as case management; children's programming; assisting victims of
24 domestic abuse to find employment; and training in and activities promoting
25 self-sufficiency.

ENGROSSED ASSEMBLY BILL 100

SECTION 901

1 **SECTION 901.** 46.95 (2) (f) 8. of the statutes is amended to read:

2 46.95 (2) (f) 8. Award \$200,000 in grants in each fiscal year to organizations
3 for domestic abuse services for individuals who are members of underserved
4 populations, including racial minority group members and individuals with mental
5 illness or developmental disabilities. ~~A grant to an organization may not exceed~~
6 \$60,000.

7 **SECTION 902.** 46.95 (2) (f) 9. of the statutes is amended to read:

8 46.95 (2) (f) 9. Award a grant of \$25,000 in fiscal year 1999-2000 and a grant
9 of \$50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic
10 Violence for toward the cost of a staff person to provide assistance in obtaining legal
11 services to domestic abuse victims.

12 **SECTION 903.** 46.95 (2) (f) 10. of the statutes is created to read:

13 46.95 (2) (f) 10. Award a grant of \$563,500 in each fiscal year to the Refugee
14 Family Strengthening Project for providing domestic abuse services to the refugee
15 population. Funding may be used to hire bilingual staff persons, especially those
16 who speak Hmong.

17 **SECTION 904.** 46.95 (2) (g) of the statutes is repealed.

18 **SECTION 905.** 46.972 (title) of the statutes is amended to read:

19 46.972 (title) **Services Primary health for homeless individuals.**

20 **SECTION 906.** 46.972 (2) (title) of the statutes is repealed.

21 **SECTION 907.** 46.972 (2) of the statutes is renumbered 46.972.

22 **SECTION 908.** 46.972 (3) of the statutes is renumbered 560.9811 and amended

23 to read:

24 **560.9811 Mental health services. (1)** In this subsection section, "chronic
25 mental illness" has the meaning given in s. 51.01 (3g).

ENGROSSED ASSEMBLY BILL 100

SECTION 908

1 (2) From the appropriation under s. ~~20.435 (7) (ee)~~ 20.143 (2) (fr), the
2 department may not ~~allocate~~ award more than \$45,000 in each fiscal year to applying
3 public or nonprofit private entities for the costs of providing certain mental health
4 services to homeless individuals with chronic mental illness. Entities that receive
5 funds ~~allocated~~ awarded by the department under this subsection shall provide the
6 mental health services required under 42 USC 290cc-24. The amount that the
7 department ~~allocates~~ awards to an applying entity may not exceed 50% of the
8 amount of matching funds required under 42 USC 290cc-23.

9 **SECTION 909.** 46.977 (2) (a) of the statutes is amended to read:

10 ~~46.977 (2) (a) Annually, prior to April 30, an organization may apply to~~ From
11 ~~the appropriation under s. 20.435 (7) (cg), the department for a grant~~ may under this
12 section, based on the criteria under par. (c), award grants to applying organizations
13 for the purpose of ~~recruiting, training, monitoring~~ and assisting guardians for
14 persons determined to be incompetent under ch. 880. By June 30, the department
15 ~~shall determine which organizations will receive a grant during the following fiscal~~
16 year ~~based on the criteria under par. (c).~~ No grant may be awarded paid unless the
17 applicant awardee provides matching funds equal to 10% of the amount of the award.
18 The department shall make grants under this section from the appropriation under
19 s. ~~20.435 (7) (cg).~~

20 **SECTION 910.** 46.977 (2) (b) (intro.) of the statutes is amended to read:

21 ~~46.977 (2) (b) (intro.) Organizations awarded grants under this section~~ par. (a)
22 shall do all of the following:

23 **SECTION 911.** 46.977 (2) (b) 1. of the statutes is repealed.

24 **SECTION 912.** 46.977 (2) (b) 2. of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 912**

1 46.977 (2) (b) 2. Provide training for recruited guardians and technical
2 assistance on their duties guardianship issues.

3 **SECTION 913.** 46.977 (2) (b) 3. of the statutes is repealed.

4 **SECTION 914.** 46.977 (2) (b) 4. of the statutes is amended to read:

5 46.977 (2) (b) 4. Provide technical assistance to recruited guardians in
6 performing their duties.

7 **SECTION 915.** 46.977 (2) (c) (intro.) and 2. of the statutes are consolidated,
8 renumbered 46.977 (2) (c) and amended to read:

9 46.977 (2) (c) In reviewing applications for grants, the department shall
10 consider all of the following: The extent to which the proposed program will
11 effectively recruit, train, monitor and assist guardians for persons determined to be
12 incompetent under ch. 880.

13 **SECTION 916.** 46.977 (2) (c) 1. of the statutes is repealed.

14 **SECTION 917.** 46.985 (2) (a) 4. of the statutes is amended to read:

15 46.985 (2) (a) 4. Procedures for coordinating the family support program and
16 the use of its funds, throughout this state and in each service area, with other
17 publicly funded programs including the community options program under s. 46.27;
18 the community integration program a community integration program under ss.
19 46.275, 46.277, and 46.278; the Community Opportunity and Recovery Program
20 under s. 46.2785; the social services, mental health, and developmental disabilities
21 programs under ss. 46.495, 51.42, and 51.437; the independent living center program
22 under s. 46.96; and the medical assistance Medical Assistance program under subch.
23 IV of ch. 49.

24 **SECTION 918.** 46.99 (2) (a) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 918

1 46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), ~~(km)~~ and
2 (nL), the department shall distribute \$2,125,200 in each fiscal year to applying
3 nonprofit corporations and public agencies operating in a county having a population
4 of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments
5 under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county
6 having a population of 500,000 or more to provide programs to accomplish all of the
7 following:

8 **SECTION 919.** 46.995 (1m) of the statutes is amended to read:

9 46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS ALLOCATION. From the
10 appropriation account under s. 20.435 (3) ~~(km)~~, the department may allocate
11 \$195,000 in each fiscal year and, from the appropriation account under s. 20.435 (3)
12 (eg), the department may allocate \$15,000 \$210,000 in each fiscal year to provide the
13 grants specified in subs. (2), (3) (b), and (4m) (b).

14 **SECTION 920.** 46.995 (2) of the statutes is amended to read:

15 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. From the allocations
16 allocation under sub. (1m), the department may provide a grant annually in the
17 amount of \$85,000 to the elected governing body of a federally recognized American
18 Indian tribe or band to provide services for adolescent parents which shall emphasize
19 high school graduation and vocational preparation, training, and experience and
20 may be structured so as to strengthen the adolescent parent's capacity to fulfill
21 parental responsibilities by developing social skills and increasing parenting skills.
22 The tribe or band seeking to receive a grant to provide these services shall develop
23 a proposed service plan that is approved by the department.

24 **SECTION 921.** 46.995 (3) (b) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 921**

1 46.995 (3) (b) From the ~~allocations~~ allocation under sub. (1m), the department
2 may provide a grant annually in the amount of \$65,000 to the elected governing body
3 of a federally recognized American Indian tribe or band to provide to high-risk
4 adolescents pregnancy and parenthood prevention services which shall be
5 structured so as to increase development of decision-making and communications
6 skills, promote graduation from high school, and expand career and other options
7 and which may address needs of adolescents with respect to pregnancy prevention.

8 **SECTION 922.** 46.995 (4m) (b) (intro.) of the statutes is amended to read:

9 46.995 (4m) (b) (intro.) From the ~~allocations~~ allocation under sub. (1m), the
10 department may provide a grant annually in the amount of \$60,000 to the elected
11 governing body of a federally recognized American Indian tribe or band for the
12 provision of information to members of the tribe or band in order to increase
13 community knowledge about problems of adolescents and information to and
14 activities for adolescents, particularly female adolescents, in order to enable the
15 adolescents to develop skills with respect to all of the following:

16 **SECTION 924.** 48.33 (4) (intro.) of the statutes is amended to read:

17 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
18 placement of an adult expectant mother outside of her home shall be in writing. A
19 report recommending placement of a child in a foster home, treatment foster home,
20 group home, or residential care center for children and youth or, in the home of a
21 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall
22 be in writing and shall include all of the following:

23 **SECTION 925.** 48.345 (3) (c) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 925

1 48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62
2 or, a group home licensed under s. 48.625, or in the home of a guardian under s.
3 48.977 (2).

4 SECTION 926. 48.356 (1) of the statutes is amended to read:

5 48.356 (1) Whenever the court orders a child to be placed outside his or her
6 home, orders an expectant mother of an unborn child to be placed outside of her
7 home, or denies a parent visitation because the child or unborn child has been
8 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,
9 48.363, or 48.365 or whenever the court appoints a guardian for a child under s.
10 48.977 (2), the court shall orally inform the parent or parents who appear in court
11 or the expectant mother who appears in court of any grounds for termination of
12 parental rights under s. 48.415 which that may be applicable and of the conditions
13 necessary for the child or expectant mother to be returned to the home or for the
14 parent to be granted visitation.

15 SECTION 927. 48.425 (1) (g) of the statutes is amended to read:

16 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.
17 determines that it is unlikely that the child will be adopted, or if adoption would not
18 be in the best interests of the child, the report shall include a plan for placing the child
19 in a permanent family setting. The plan shall include a recommendation as to the
20 agency to be named guardian of the child or, a recommendation that the person
21 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian
22 of the child, or a recommendation that a guardian be appointed for the child under
23 s. 48.977 (2).

24 SECTION 928. 48.427 (3m) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 928**

1 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are
2 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,
3 the court shall either do one of the following:

4 **SECTION 929.** 48.427 (3m) (c) of the statutes is created to read:

5 48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship
6 and custody of the child to the guardian.

7 **SECTION 930.** 48.427 (3p) of the statutes is amended to read:

8 48.427 (3p) If the rights of both parents or of the only living parent are
9 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the
10 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters
11 an order under this subsection, the court shall terminate the guardianship under s.
12 48.977.

13 **SECTION 932.** 48.48 (17) (a) 3. of the statutes is amended to read:

14 48.48 (17) (a) 3. Provide appropriate protection and services for children and
15 the expectant mothers of unborn children in its care, including providing services for
16 those children and their families and for those expectant mothers in their own
17 homes, placing the children in licensed foster homes, treatment foster homes, or
18 group homes in this state or another state within a reasonable proximity to the
19 agency with legal custody, placing the children in the homes of guardians under s.
20 48.977 (2), or contracting for services for those children by licensed child welfare
21 agencies, except that the department may not purchase the educational component
22 of private day treatment programs unless the department, the school board, as
23 defined in s. 115.001 (7), and the state superintendent of public instruction all
24 determine that an appropriate public education program is not available. Disputes

ENGROSSED ASSEMBLY BILL 100

SECTION 932

1 between the department and the school district shall be resolved by the state
2 superintendent of public instruction.

3 **SECTION 933.** 48.48 (17) (c) 4. of the statutes is amended to read:

4 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,
5 or, residential care center for children and youth, or subsidized guardianship home
6 under s. 48.62 (5).

7 **SECTION 934.** 48.57 (1) (c) of the statutes is amended to read:

8 48.57 (1) (c) To provide appropriate protection and services for children and the
9 expectant mothers of unborn children in its care, including providing services for
10 those children and their families and for those expectant mothers in their own
11 homes, placing those children in licensed foster homes, treatment foster homes, or
12 group homes in this state or another state within a reasonable proximity to the
13 agency with legal custody, placing those children in the homes of guardians under
14 s. 48.977 (2), or contracting for services for those children by licensed child welfare
15 agencies, except that the county department may not purchase the educational
16 component of private day treatment programs unless the county department, the
17 school board, as defined in s. 115.001 (7), and the state superintendent of public
18 instruction all determine that an appropriate public education program is not
19 available. Disputes between the county department and the school district shall be
20 resolved by the state superintendent of public instruction.

21 **SECTION 935.** 48.57 (3) (a) 4. of the statutes is amended to read:

22 48.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
23 or, residential care center for children and youth, or subsidized guardianship home
24 under s. 48.62 (5).

25 **SECTION 936.** 48.57 (3m) (cm) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 936**

1 48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)
2 for providing care and maintenance for a child is not eligible to receive a payment
3 under sub. (3n) or s. 48.62 (4) or (5) for that child.

4 **SECTION 937.** 48.57 (3m) (h) of the statutes is created to read:

5 48.57 (3m) (h) A county department or, in a county having a population of
6 500,000 or more, the department may recover an overpayment made under par. (am)
7 from a kinship care relative who continues to receive payments under par. (am) by
8 reducing the amount of the kinship care relative's monthly payment. The
9 department may by rule specify other methods for recovering overpayments made
10 under par. (am). A county department that recovers an overpayment under this
11 paragraph due to the efforts of its officers and employees may retain a portion of the
12 amount recovered, as provided by the department by rule.

13 **SECTION 938.** 48.57 (3n) (cm) of the statutes is amended to read:

14 48.57 (3n) (cm) A long-term kinship care relative who receives a payment
15 under par. (am) for providing care and maintenance for a child is not eligible to
16 receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

17 **SECTION 939.** 48.57 (3n) (h) of the statutes is created to read:

18 48.57 (3n) (h) A county department or, in a county having a population of
19 500,000 or more, the department may recover an overpayment made under par. (am)
20 from a long-term kinship care relative who continues to receive payments under par.
21 (am) by reducing the amount of the long-term kinship care relative's monthly
22 payment. The department may by rule specify other methods for recovering
23 overpayments made under par. (am). A county department that recovers an
24 overpayment under this paragraph due to the efforts of its officers and employees
25 may retain a portion of the amount recovered, as provided by the department by rule.

ENGROSSED ASSEMBLY BILL 100

SECTION 940

1 **SECTION 940.** 48.57 (3p) (a) of the statutes is amended to read:

2 48.57 (3p) (a). In this subsection, "adult resident" means a person 18 years of
3 age or over who lives at the home of a person who has applied for or is receiving
4 payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b) with the intent of making
5 that home his or her home or who lives for more than 30 days cumulative in any
6 6-month period at the home of a person who has applied for or is receiving payments
7 under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b).

8 **SECTION 941.** 48.57 (3p) (b) 1. of the statutes is amended to read:

9 48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)
10 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
11 population of 500,000 or more, the department of health and family services, with
12 the assistance of the department of justice, shall conduct a background investigation
13 of the applicant.

14 **SECTION 942.** 48.57 (3p) (b) 3. of the statutes is amended to read:

15 48.57 (3p) (b) 3. The county department or, in a county having a population of
16 500,000 or more, the department of health and family services, with the assistance
17 of the department of justice, may conduct a background investigation of any person
18 who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that
19 the county department or department of health and family services considers to be
20 appropriate.

21 **SECTION 943.** 48.57 (3p) (c) 1. of the statutes is amended to read:

22 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)
23 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
24 population of 500,000 or more, the department of health and family services, with
25 the assistance of the department of justice, shall, in addition to the investigation

ENGROSSED ASSEMBLY BILL 100**SECTION 943**

1 under par. (b) 1., conduct a background investigation of all employees and
2 prospective employees of the applicant who have or would have regular contact with
3 the child for whom those payments are being made and of each adult resident.

4 **SECTION 944.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

5 48.57 (3p) (c) 2m. The county department or, in a county having a population
6 of 500,000 or more, the department of health and family services, with the assistance
7 of the department of justice, may conduct a background investigation of any of the
8 employees or prospective employees of any person who is receiving payments under
9 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child
10 for whom payments are being made and of each adult resident at any time that the
11 county department or department of health and family services considers to be
12 appropriate.

13 **SECTION 945.** 48.57 (3p) (c) 3. of the statutes is amended to read:

14 48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or
15 (3n) or s. 48.62 (5) (a) or (b) may employ any person in a position in which that person
16 would have regular contact with the child for whom those payments are being made
17 or permit any person to be an adult resident, the county department or, in a county
18 having a population of 500,000 or more, the department of health and family
19 services, with the assistance of the department of justice, shall conduct a background
20 investigation of the prospective employee or prospective adult resident unless that
21 person has already been investigated under subd. 1., 2. or 2m.

22 **SECTION 946.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

23 48.57 (3p) (fm) 1m. The county department or, in a county having a population
24 of 500,000 or more, the department of health and family services may not enter into
25 the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b)

ENGROSSED ASSEMBLY BILL 100

SECTION 946

1 unless the county department or department of health and family services receives
2 information from the department of justice relating to the conviction record of the
3 applicant under the law of this state and that record indicates either that the
4 applicant has not been arrested or convicted or that the applicant has been arrested
5 or convicted but the director of the county department or, in a county having a
6 population of 500,000 or more, the person designated by the secretary of health and
7 family services to review conviction records under this subdivision determines that
8 the conviction record is satisfactory because it does not include any arrest or
9 conviction that the director or person designated by the secretary determines is
10 likely to adversely affect the child or the long-term kinship care relative's applicant's
11 ability to care for the child. The county department or, in a county having a
12 population of 500,000 or more, the department of health and family services may
13 make payments under sub. (3n) or s. 48.62 (5) (a) or (b) conditioned on the receipt of
14 information from the federal bureau of investigation indicating that the person's
15 conviction record under the law of any other state or under federal law is satisfactory
16 because the conviction record does not include any arrest or conviction that the
17 director of the county department or, in a county having a population of 500,000 or
18 more, the person designated by the secretary of health and family services to review
19 conviction records under this subdivision determines is likely to adversely affect the
20 child or the long-term kinship care relative's applicant's ability to care for the child.

21 **SECTION 947.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:
22 48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)
23 (a) or (b) may provisionally employ a person in a position in which that person would
24 have regular contact with the child for whom those payments are being made or
25 provisionally permit a person to be an adult resident if the person receiving those

ENGROSSED ASSEMBLY BILL 100

SECTION 947

1 payments states to the county department or, in a county having a population of
2 500,000 or more, the department of health and family services that, to the best of his
3 or her knowledge, the employee or adult resident does not have any arrests or
4 convictions that could adversely affect the child or the ability of the person receiving
5 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62
6 (5) (a) or (b) may not finally employ a person in a position in which that person would
7 have regular contact with the child for whom those payments are being made or
8 finally permit a person to be an adult resident until the county department or, in a
9 county having a population of 500,000 or more, the department of health and family
10 services receives information from the department of justice relating to the person's
11 conviction record under the law of this state and that record indicates either that the
12 person has not been arrested or convicted or that the person has been arrested or
13 convicted but the director of the county department or, in a county having a
14 population of 500,000 or more, the person designated by the secretary of health and
15 family services to review conviction records under this subdivision determines that
16 the conviction record is satisfactory because it does not include any arrest or
17 conviction that is likely to adversely affect the child or the ~~long-term kinship care~~
18 relative's ability of the person receiving payments to care for the child and the county
19 department or department of health and family services so advises the person
20 receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b). A person receiving
21 payments under sub. (3n) or s. 48.62 (5) (a) or (b) may finally employ a person in a
22 position in which that person would have regular contact with the child for whom
23 those payments are being made or finally permit a person to be an adult resident
24 conditioned on the receipt of information from the county department or, in a county
25 having a population of 500,000 or more, the department of health and family services

ENGROSSED ASSEMBLY BILL 100

SECTION 947

1 that the federal bureau of investigation indicates that the person's conviction record
2 under the law of any other state or under federal law is satisfactory because the
3 conviction record does not include any arrest or conviction that the director of the
4 county department or, in a county having a population of 500,000 or more, the person
5 designated by the secretary of health and family services to review conviction records
6 under this subdivision determines is likely to adversely affect the child or the
7 ~~long-term kinship care relative's~~ ability of the person receiving payments to care for
8 the child.

9 **SECTION 948.** 48.57 (3p) (hm) of the statutes is amended to read:

10 48.57 (3p) (hm) A county department or, in a county having a population of
11 500,000 or more, the department may not make payments to a person under sub. (3n)
12 or s. 48.62 (5) (a) or (b) and a person receiving payments under sub. (3n) or s. 48.62
13 (5) (a) or (b) may not employ a person in a position in which that person would have
14 regular contact with the child for whom payments are being made or permit a person
15 to be an adult resident if the director of the county department or, in a county having
16 a population of 500,000 or more, the person designated by the secretary to review
17 conviction records under this paragraph determines that the person has any arrest
18 or conviction that is likely to adversely affect the child or the ~~long-term kinship care~~
19 relative's person's ability to care for the child.

20 **SECTION 949.** 48.61 (3) of the statutes is amended to read:

21 48.61 (3) To provide appropriate care and training for children in its legal or
22 physical custody and, if licensed to do so, to place children in licensed foster homes,
23 licensed treatment foster homes, and licensed group homes and in the homes of
24 guardians under s. 48.977 (2).

25 **SECTION 950.** 48.615 (1) (b) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 950

1 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to
2 a child welfare agency that places children in licensed foster homes, licensed
3 treatment foster homes, and licensed group homes and in the homes of guardians
4 under s. 48.977 (2), the child welfare agency must pay to the department a biennial
5 fee of \$254.10.

6 **SECTION 951d.** 48.62 (4) of the statutes is amended to read:

7 48.62 (4) Monthly payments in foster care shall be provided according to the
8 age-related rates specified in this subsection. Beginning on January 1, 2000, the
9 age-related rates are: \$299 for children aged 4 and under; \$326 for children aged 5
10 to 11; \$371 for children aged 12 to 14 and \$387 for children aged 15 to 17. Beginning
11 on January 1, 2001, the age-related rates are: \$302 for children aged 4 and under;
12 \$329 for children aged 5 to 11; \$375 for children aged 12 to 14; and \$391 for children
13 aged 15 to 17 2006, the age-related rates are \$310 for a child under 5 years of age;
14 \$337 for a child 5 to 11 years of age; \$384 for a child 12 to 14 years of age; and \$401
15 for a child 15 years of age or over. Beginning on January 1, 2007, the age-related
16 rates are \$317 for a child under 5 years of age; \$346 for a child 5 to 11 years of age;
17 \$394 for a child 12 to 14 years of age; and \$411 for a child 15 years of age or over. In
18 addition to these grants for basic maintenance, the department shall make
19 supplemental payments for special needs, exceptional circumstances, care in a
20 treatment foster home, and initial clothing allowances according to rules
21 promulgated by the department.

22 **SECTION 952.** 48.62 (5) of the statutes is created to read:

23 48.62 (5) (a) Subject to par. (d), a county department or, in a county having a
24 population of 500,000 or more, the department shall provide monthly subsidized
25 guardianship payments in the amount specified in par. (e) to a guardian of a child

ENGROSSED ASSEMBLY BILL 100

SECTION 952

1 under s. 48.977 (2) or under a substantially similar tribal law or law of another state
2 who was licensed as the child's foster parent or treatment foster parent before the
3 guardianship appointment and who has entered into a subsidized guardianship
4 agreement with the county department or department if the guardian meets the
5 conditions specified in par. (c) 1. and 2. and if the child meets any of the following
6 conditions:

7 1. The child has been placed outside of his or her home, as described in s. 48.365
8 (1), for a cumulative total period of one year or longer, the court has found that the
9 agency primarily responsible for providing services to the child under a court order
10 has made reasonable efforts to make it possible for the child to return to his or her
11 home, while assuring that the child's health and safety are the paramount concerns,
12 but that reunification of the child with the child's parent or parents is unlikely or
13 contrary to the best interests of the child and that further reunification efforts are
14 unlikely to be made or are contrary to the best interests of the child, or that any of
15 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. apply, and the court has found
16 that appointment of a guardian for the child is in the best interests of the child.

17 2. The child does not meet the conditions specified in subd. 1., but the county
18 department or department has determined, and a court has confirmed under s.
19 48.977 (3r) or under a substantially similar tribal law or law of another state, that
20 appointing a guardian for the child and providing monthly subsidized guardianship
21 payments to the guardian are in the best interests of the child.

22 (b) Subject to par. (d), on the death, incapacity, resignation, or removal of a
23 guardian receiving payments under par. (a), a county department or, in a county
24 having a population of 500,000 or more, the department shall provide monthly
25 subsidized guardianship payments in the amount specified in par. (e) for a period of

ENGROSSED ASSEMBLY BILL 100

SECTION 952

1 up to 12 months to an interim caretaker who meets all of the conditions specified in

2 par. (c).

3 (c) A county department or, in a county having a population of 500,000 or more,

4 the department may not provide monthly subsidized guardianship payments under

5 par. (a) or (b) unless all of the following conditions are met:

6 1. The county department or department inspects the home of the guardian or
7 interim caretaker, interviews the guardian or interim caretaker, and determines
8 that placement of the child with the guardian or interim caretaker is in the best
9 interests of the child.

10 2. The county department or department conducts a background investigation

11 under s. 48.57 (3p) of the guardian or interim caretaker, the employees and

12 prospective employees of the guardian or interim caretaker who have or would have

13 regular contact with the child for whom the payments would be made, and any other

14 adult resident, as defined in s. 48.57 (3p) (a), of the home of the guardian or interim

15 caretaker and determines that those individuals do not have any arrests or

16 convictions that are likely to adversely affect the child or the ability of the guardian

17 or interim caretaker to care for the child.

18 3. In the case of an interim caretaker, the interim caretaker cooperates with

19 the county department or department in finding a permanent placement for the

20 child.

21 (d) The department shall request from the secretary of the federal department

22 of health and human services a waiver of the requirements under 42 USC 670 to 679a

23 that would authorize the state to receive federal foster care and adoption assistance

24 reimbursement under 42 USC 670 to 679a for the costs of providing care for a child

25 who is in the care of a guardian who was licensed as the child's foster parent or

ENGROSSED ASSEMBLY BILL 100

SECTION 952

1 treatment foster parent before the guardianship appointment and who has entered
2 into a subsidized guardianship agreement with the county department or
3 department. If the waiver is approved for a county having a population of 500,000
4 or more, the department shall provide the monthly payments under par. (a) from the
5 appropriations under s. 20.435 (3) (cx), (gx), (kw), and (mx). If the waiver is approved
6 for any other county, the department shall determine which counties are authorized
7 to provide monthly payments under par. (a) or (b), and the county departments of
8 those counties shall provide those payments from moneys received under s. 46.495
9 (1) (d).

10 (e) The amount of a monthly payment under par. (a) or (b) for the care of a child
11 shall equal the amount received under sub. (4) by the guardian of the child for the
12 month immediately preceding the month in which the guardianship order was
13 granted. A guardian or an interim caretaker who receives a monthly payment under
14 par. (a) or (b) is not eligible to receive a payment under sub. (4) or s. 48.57 (3m) or (3n).

15 **SECTION 953.** 48.62 (6) of the statutes is created to read:

16 48.62 (6) The department or a county department may recover an overpayment
17 made under sub. (4) or (5) from a foster parent, treatment foster parent, guardian,
18 or interim caretaker who continues to receive payments under sub. (4) or (5) by
19 reducing the amount of the person's monthly payment. The department may by rule
20 specify other methods for recovering overpayments made under sub. (4) or (5). A
21 county department that recovers an overpayment under this subsection due to the
22 efforts of its officers and employees may retain a portion of the amount recovered, as
23 provided by the department by rule.

24 **SECTION 962d.** 48.65 (3) (a) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 962d**

1 48.65 (3) (a) Before the department may issue a license under sub. (1) to a day
2 care center that provides care and supervision for 4 to 8 children, the day care center
3 must pay to the department a biennial fee of \$60.50. Before the department may
4 issue a license under sub. (1) to a day care center that provides care and supervision
5 for 9 or more children, the day care center must pay to the department a biennial fee
6 of \$30.25, plus a biennial fee of ~~\$8.47~~ \$10.33 per child, based on the number of
7 children that the day care center is licensed to serve. A day care center that wishes
8 to continue a license issued under sub. (1) shall pay the applicable fee under this
9 paragraph by the continuation date of the license. A new day care center shall pay
10 the applicable fee under this paragraph no later than 30 days before the opening of
11 the day care center.

12 **SECTION 1023.** 48.78 (2) (h) of the statutes is created to read:

13 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county
14 department, or a licensed child welfare agency from entering the content of any
15 record kept or information received about an individual in its care or legal custody
16 into the statewide automated child welfare information system established under s.
17 46.03 (7) (g). Paragraph (a) also does not prohibit a county department under s.
18 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services,
19 the department of corrections, or any other organization that has entered into an
20 information sharing and access agreement with one of those county departments or
21 departments and that has been approved for access to the statewide automated child
22 welfare information system by the department of health and family services from
23 having access to information concerning a client of that county department,
24 department, or organization under this chapter or ch. 51 or 938 that is maintained
25 in the statewide automated child welfare information system, if necessary to enable

ENGROSSED ASSEMBLY BILL 100**SECTION 1023**

1 the county department, department, or organization to perform its duties under this
2 chapter or ch. 51 or 938 or to coordinate the delivery of services under this chapter
3 or ch. 51 or 938 to the client. Before entering any information about an individual
4 into the statewide automated child welfare information system, the department,
5 county department, or licensed child welfare agency entering the information shall
6 notify the individual that the information entered may be disclosed as provided in
7 this paragraph.

8 **SECTION 1024.** 48.975 (3) (a) 1. of the statutes is amended to read:

9 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
10 in foster care ~~or, treatment foster care, or subsidized guardianship care~~ immediately
11 prior to placement for adoption, the initial amount of adoption assistance for
12 maintenance shall be equivalent to the amount of that child's foster care ~~or,~~
13 ~~treatment foster care, or subsidized guardianship care~~ payment at the time that the
14 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed
15 adoptive parents and specified in that agreement.

16 **SECTION 1025.** 48.975 (3) (a) 2. of the statutes is amended to read:

17 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
18 care ~~or, treatment foster care, or subsidized guardianship care~~ immediately prior to
19 placement for adoption, the initial amount of adoption assistance for maintenance
20 shall be equivalent to the uniform foster care rate in effect at the time that the
21 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed
22 adoptive parents and specified in that agreement.

23 **SECTION 1026.** 48.975 (4) (a) of the statutes is amended to read:

24 48.975 (4) (a) Except in extenuating circumstances, as defined by the
25 department by rule promulgated under sub. (5) (a), a written agreement to provide

ENGROSSED ASSEMBLY BILL 100**SECTION 1026**

1 adoption assistance shall be made prior to adoption. An agreement to provide
2 adoption assistance may be made only for a child who, at the time of placement for
3 adoption, is in the guardianship of the department or other agency authorized to
4 place children for adoption or, in the guardianship of an American Indian tribal
5 agency in this state, or in a subsidized guardianship under s. 48.62 (5).

6 **SECTION 1027.** 48.975 (4m) of the statutes is created to read:

7 48.975 (4m) RECOVERY OF INCORRECT PAYMENTS. The department may recover
8 an overpayment of adoption assistance from an adoptive parent who continues to
9 receive adoption assistance for maintenance by reducing the amount of the adoptive
10 parent's monthly payment of adoption assistance for maintenance. The department
11 may by rule specify other methods for recovering overpayments of adoption
12 assistance.

13 **SECTION 1028.** 48.977 (title) of the statutes is amended to read:

14 48.977 (title) **Appointment of relatives as guardians for certain**
15 **children in need of protection or services.**

16 **SECTION 1029.** 48.977 (1) of the statutes is repealed.

17 **SECTION 1030.** 48.977 (2) (intro.) of the statutes is amended to read:

18 48.977 (2) TYPE OF GUARDIANSHIP (intro.) This section may be used for the
19 appointment of a relative of a child as a guardian of the person for the a child if the
20 court finds all of the following:

21 **SECTION 1031.** 48.977 (2) (a) of the statutes is amended to read:

22 48.977 (2) (a) That the child has been adjudged to be in need of protection or
23 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or
24 938.13 (4) and been placed, or continued in a placement, outside of his or her home
25 pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,

ENGROSSED ASSEMBLY BILL 100

SECTION 1031

1 938.345, 938.357, 938.363, or 938.365 for a cumulative total period of one year or
2 longer or that the child has been so adjudged and placement of the child in the home
3 of a guardian under this section has been recommended under s. 48.33 (1) or 938.33
4 (1).

5 **SECTION 1032.** 48.977 (2) (b) of the statutes is amended to read:

6 48.977 (2) (b) That the person nominated as the guardian of the child is a
7 relative of the child person with whom the child has been placed or in whose home
8 placement of the child is recommended under par. (a) and that it is likely that the
9 child will continue to be placed with that relative person for an extended period of
10 time or until the child attains the age of 18 years.

11 **SECTION 1033.** 48.977 (2) (c) of the statutes is amended to read:

12 48.977 (2) (c) That, if appointed, it is likely that the relative person would be
13 willing and able to serve as the child's guardian for an extended period of time or until
14 the child attains the age of 18 years.

15 **SECTION 1034.** 48.977 (2) (f) of the statutes is amended to read:

16 48.977 (2) (f) That the agency primarily responsible for providing services to
17 the child under a court order has made reasonable efforts to make it possible for the
18 child to return to his or her home, while assuring that the child's health and safety
19 are the paramount concerns, but that reunification of the child with the child's
20 parent or parents is unlikely or contrary to the best interests of the child and that
21 further reunification efforts are unlikely to be made or are contrary to the best
22 interests of the child or that the agency primarily responsible for providing services
23 to the child under a court order has made reasonable efforts to prevent the removal
24 of the child from his or her home, while assuring the child's health and safety, but that
25 continued placement of the child in the home would be contrary to the welfare of the

ENGROSSED ASSEMBLY BILL 100

SECTION 1034

1 child, except that the court is not required to find that the agency has made those
2 reasonable efforts with respect to a parent of the child if any of the circumstances
3 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the
4 findings specified in this paragraph on a case-by-case basis based on circumstances
5 specific to the child and shall document or reference the specific information on
6 which those findings are based in the guardianship order. A guardianship order that
7 merely references this paragraph without documenting or referencing that specific
8 information in the order or an amended guardianship order that retroactively
9 corrects an earlier guardianship order that does not comply with this paragraph is
10 not sufficient to comply with this paragraph.

11 **SECTION 1035.** 48.977 (3r) of the statutes is created to read:

12 **48.977 (3r) SUBSIDIZED GUARDIANSHIP.** Subject to s. 48.62 (5) (d), if a county
13 department or, in a county having a population of 500,000 or more, the department
14 has determined under s. 48.62 (5) (a) 2. that appointing a guardian under sub. (2) for
15 a child who does not meet the conditions specified under s. 48.62 (5) (a) 1. and
16 providing monthly subsidized guardianship payments to the guardian are in the best
17 interests of the child, the petitioner under sub. (4) (a) shall include in the petition
18 under sub. (4) (b) a statement of that determination and a request for the court to
19 include in the court's findings under sub. (4) (d) a finding confirming that
20 determination. If the court confirms that determination and appoints a guardian for
21 the child under sub. (2), the county department or department shall provide monthly
22 subsidized guardianship payments to the guardian under s. 48.62 (5).

23 **SECTION 1036.** 48.977 (4) (a) 4. of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 1036

1 48.977 (4) (a) 4. The relative person with whom the child is placed or in whose
2 home placement of the child is recommended as described in sub. (2) (a), if the
3 relative person is nominated as the guardian of the child in the petition.

4 **SECTION 1037.** 48.977 (4) (a) 6. of the statutes is amended to read:

5 48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has
6 been placed pursuant to an order under ch. 938 or the child's placement with the
7 guardian is recommended under ch. 938, a county department under s. 46.215, 46.22,
8 or 46.23.

9 **SECTION 1038.** 48.977 (4) (b) 3. of the statutes is amended to read:

10 48.977 (4) (b) 3. The date on which the child was adjudged in need of protection
11 or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m)
12 or 938.13 (4) and the dates that on which the child has been placed, or continued in
13 a placement, outside of his or her home pursuant to one or more court orders under
14 s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child
15 has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or
16 938.33 (1) in which placement of the child in the home of the person is recommended.

17 **SECTION 1039.** 48.977 (4) (c) 1. g. of the statutes is amended to read:

18 48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose
19 home placement of the child is recommended as described in sub. (2) (a), if the
20 relative person is nominated as the guardian of the child in the petition.

21 **SECTION 1040.** 48.977 (4) (e) of the statutes is amended to read:

22 48.977 (4) (e) *Court report.* The For a child who has been placed, or continued
23 in a placement, outside of his or her home for 6 months or longer, the court shall order
24 the person or agency primarily responsible for providing services to the child under
25 a court order to file with the court a report containing the written summary under

ENGROSSED ASSEMBLY BILL 100

SECTION 1040

1 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
2 as is reasonably ascertainable. For a child who has been placed, or continued in a
3 placement, outside of his or her home for less than 6 months, the court shall order
4 the person or agency primarily responsible for providing services to the child under
5 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
6 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,
7 and as much information relating to the appointment of a guardian as is reasonably
8 ascertainable. The agency shall file the report at least 48 hours before the date of
9 the dispositional hearing under par. (fm).

10 **SECTION 1041.** 48.977 (4) (g) 1. of the statutes is amended to read:

11 48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of
12 the child.

13 **SECTION 1042.** 48.977 (4) (g) 2. of the statutes is amended to read:

14 48.977 (4) (g) 2. The willingness and ability of the relative person to serve as
15 the child's guardian for an extended period of time or until the child attains the age
16 of 18 years.

17 **SECTION 1043.** 48.977 (4) (h) 1. of the statutes is amended to read:

18 48.977 (4) (h) 1. A disposition dismissing the petition if the court determines
19 that appointment of the relative person as the child's guardian is not in the best
20 interests of the child.

21 **SECTION 1044.** 48.977 (4) (h) 2. of the statutes is amended to read:

22 48.977 (4) (h) 2. A disposition ordering that the relative person with whom the
23 child has been placed or in whose home placement of the child is recommended as
24 described in sub. (2) (a) be appointed as the child's guardian under sub. (5) (a) or

ENGROSSED ASSEMBLY BILL 100

SECTION 1044

1 limited guardian under sub. (5) (b), if the court determines that such an appointment
2 is in the best interests of the child.

3 **SECTION 1045.** 48.982 (4) (a) of the statutes is amended to read:

4 48.982 (4) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (m),
5 and (q), the board shall award grants to organizations in accordance with the plan
6 developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are
7 awarded, no organization may receive a grant or grants totaling more than \$30,000.

8 **SECTION 1046.** 48.982 (6) (a) of the statutes is amended to read:

9 48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (ma),
10 and (q), the board shall award grants to organizations in accordance with the
11 request-for-proposal procedures developed under sub. (2) (a). No organization may
12 receive a grant or grants under this subsection totaling more than \$150,000 in any
13 year.

14 **SECTION 1047.** 48.982 (7) (a) of the statutes is amended to read:

15 48.982 (7) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), and
16 (q), the board shall award grants to organizations in accordance with the plan
17 developed under sub. (2) (a).

18 **SECTION 1049.** 49.134 (2) (a) of the statutes is amended to read:

19 49.134 (2) (a) From the allocation under s. 49.155 (1g) (b) (d), the department
20 shall make grants to local agencies to fund child care resource and referral services
21 provided by those local agencies. The department shall provide an allocation formula
22 to determine the amount of a grant awarded under this section.

23 **SECTION 1052.** 49.136 (2) (a) of the statutes is amended to read:

24 49.136 (2) (a) From the allocation under s. 49.155 (1g) (b) (d), the department
25 shall may award grants for the start-up or expansion of child care services.

ENGROSSED ASSEMBLY BILL 100

SECTION 1053

1 **SECTION 1053.** 49.136 (2) (b) of the statutes is amended to read:

2 49.136 (2) (b) The If the department awards grants under this section, the
3 department shall attempt to award the grants under this section to head start
4 agencies designated under 42 USC 9836, employers that provide or wish to provide
5 child care services for their employees, family day care centers, group day care
6 centers and day care programs for the children of student parents, organizations that
7 provide child care for sick children, and child care providers that employ participants
8 or former participants in a Wisconsin works Works employment position under s.
9 49.147 (3) to (5).

10 **SECTION 1055.** 49.137 (2) (a) of the statutes is amended to read:

11 49.137 (2) (a) From the allocation under s. 49.155 (1g) ~~(b)~~ (d), the department
12 may award grants to child care providers that meet the quality of care standards
13 established under s. 49.155 (1d) (b) to improve the retention of skilled and
14 experienced child care staff. In awarding grants under this subsection, the
15 department shall consider the applying child care provider's total enrollment of
16 children and average enrollment of children who receive or are eligible for publicly
17 funded care from the child care provider.

18 **SECTION 1056.** 49.137 (3) (a) of the statutes is amended to read:

19 49.137 (3) (a) From the allocation under s. 49.155 (1g) ~~(b)~~ (d), the department
20 may award grants to child care providers for assistance in meeting the quality of care
21 standards established under s. 49.155 (1d) (b).

22 **SECTION 1057.** 49.137 (4) (intro.) of the statutes is amended to read:

23 49.137 (4) **TRAINING AND TECHNICAL ASSISTANCE CONTRACTS.** (intro.) From the
24 allocation under s. 49.155 (1g) ~~(b)~~ (d), the department may contract with one or more
25 agencies for the provision of training and technical assistance to improve the quality

ENGROSSED ASSEMBLY BILL 100

SECTION 1057

1 of child care provided in this state. The training and technical assistance activities
2 contracted for under this subsection may include any of the following activities:

3 **SECTION 1058.** 49.137 (4m) of the statutes is amended to read:

4 49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The From the allocation
5 under s. 49.155 (1g) (d), the department shall award grants to local governments and
6 tribal governing bodies for programs to improve the quality of child care. The
7 department shall promulgate rules to administer the grant program, including rules
8 that specify the eligibility criteria and procedures for awarding the grants.

9 **SECTION 1059.** 49.1375 of the statutes is repealed. ✓

10 **SECTION 1059b.** 49.138 (1m) (intro.) of the statutes is amended to read:

11 49.138 (1m) (intro.) The department shall implement a program of emergency
12 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or
13 impending homelessness, or energy crisis. The department shall establish the
14 maximum amount of aid to be granted, except for cases of energy crisis, per family
15 member based on the funding available under s. 20.445 (3) (dz) and (md). The
16 department need not establish the maximum amount by rule under ch. 227. The
17 department shall publish the maximum amount and annual changes to it in the
18 Wisconsin administrative register. Emergency assistance provided to needy persons
19 under this section ~~in cases of fire, flood, natural disaster, or energy crisis~~ may only
20 be provided to a needy person once in a 12-month period. Emergency assistance
21 provided to needy persons under this section in cases of homelessness or impending
22 homelessness may be used only to obtain or retain a permanent living
23 accommodation and, ~~except as provided in sub. (2), may only be provided to a needy~~
24 ~~person once in a 36-month period.~~ For the purposes of this section, a family is

ENGROSSED ASSEMBLY BILL 100**SECTION 1059b**

1 considered to be homeless, or to be facing impending homelessness, if any of the
2 following applies:

3 **SECTION 1059d.** 49.138 (2) of the statutes is repealed.

4 **SECTION 1059f.** 49.143 (1) (ac) of the statutes is created to read:

5 49.143 (1) (ac) 1. Except for a county department under s. 46.21, 46.22, or 46.23
6 or a tribal governing body, a person who submits a bid in a competitive process under
7 par. (a) 1. shall include with the proposal a filing fee of \$50 and a statement of
8 economic interests that discloses all of the following information:

9 a. The person's assets and liabilities.

10 b. The sources of the person's income.

11 c. All of the person's other clients, as well as a description of the goods or
12 services provided to those clients.

13 d. The identity of all of the person's subsidiaries, affiliates, and parent
14 companies, if any.

15 2. Except for a county department under s. 46.21, 46.22, or 46.23 or a tribal
16 governing body, a Wisconsin Works agency that enters into a succeeding contract
17 with the department under par. (a) 2. shall, before executing the succeeding contract,
18 submit to the department a filing fee of \$50 and a statement of economic interests
19 that discloses the information specified in subd. 1. a. to d.

20 3. One year after entering into a contract under par. (a) 1. or 2., a Wisconsin
21 Works agency that is not a county department under s. 46.21, 46.22, or 46.23 or a
22 tribal governing body shall submit to the department a filing fee of \$50 and an
23 updated statement of economic interests that discloses the information specified in
24 subd. 1. a. to d.

25 **SECTION 1059g.** 49.143 (2) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 1059g

1 49.143 (2) CONTRACT REQUIREMENTS. (intro.) Each contract under sub. (1) shall
2 contain performance-based incentives established by the department, as well as
3 financial penalties that the department shall enforce against a Wisconsin Works
4 agency that fails to serve Wisconsin Works participants as required under the
5 contract. The contract shall require a Wisconsin works Works agency to do all of the
6 following:

7 **SECTION 1059h.** 49.143 (2) (g) of the statutes is created to read:

8 49.143 (2) (g) If the Wisconsin Works agency is not a county department under
9 s. 46.21, 46.22, or 46.23 or a tribal governing body, provide to the department, one
10 year after the date on which the contract under sub. (1) was signed, a filing fee of \$50
11 and an updated statement of economic interests that discloses the information
12 specified in sub. (1) (ac) 1. a. to d.

13 **SECTION 1059t.** 49.143 (4) of the statutes is renumbered 49.143 (4) (a).

14 **SECTION 1059u.** 49.143 (4) (b) of the statutes is created to read:

15 49.143 (4) (b) For a Wisconsin Works agency that is not a county department
16 under s. 46.215, 46.22, or 46.23 or a tribal governing body, the department may select
17 the auditor for the annual single financial audit required under federal law. The
18 Wisconsin Works agency shall be required to pay for the annual single financial
19 audit.

20 **SECTION 1059v.** 49.143 (5) (c) of the statutes is amended to read:

21 49.143 (5) (c) The Subject to sub. (5m) (b), the department may inspect at any
22 time any Wisconsin works Works agency's records as the department determines is
23 appropriate and necessary for the overall administration of Wisconsin works Works.

24 **SECTION 1059w.** 49.143 (5m) of the statutes is created to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 1059w**

1 49.143 (5m) FINANCIAL RECORDS: (a) Each Wisconsin Works agency shall
2 maintain its financial records in accordance with generally accepted accounting
3 principles.

4 (b) To ensure that all expenditures of state and federal moneys related to
5 Wisconsin Works are made in compliance with applicable state laws and rules,
6 applicable federal laws and regulations, and the terms of the contracts between the
7 Wisconsin Works agencies and the department, the department shall do all of the
8 following:

9 1. At least quarterly review the financial records of each Wisconsin Works
10 agency that administers Wisconsin Works in any of the 10 most populous counties.

11 2. At least annually review the financial records of each Wisconsin Works
12 agency not specified in subd. 1.

13 3. Periodically review the financial records of entities that have entered into
14 subcontracts with Wisconsin Works agencies to provide goods or services related to
15 Wisconsin Works.

16 **SECTION 1059x.** 49.145 (2) (s) of the statutes is amended to read:

17 49.145 (2) (s) The individual assigns to the state any right of the individual or
18 of any dependent child of the individual to support or maintenance from any other
19 person, including any right to amounts accruing during the time that any Wisconsin
20 works Works benefit is paid to the individual. If a minor who is a beneficiary of any
21 Wisconsin works Works benefit is also the beneficiary of support under a judgment
22 or order that includes support for one or more children not receiving a benefit under
23 Wisconsin works Works, any support payment made under the judgment or order is
24 assigned to the state during the period that the minor is a beneficiary of the
25 Wisconsin works Works benefit in the amount that is the proportionate share of the

ENGROSSED ASSEMBLY BILL 100

SECTION 1059x

1 minor receiving the benefit under Wisconsin works Works, except as otherwise
2 ordered by the court on the motion of a party. Amounts assigned to the state under
3 this paragraph remain assigned to the state until the amount due to the federal
4 government has been recovered. No amount of support that begins to accrue after
5 the individual ceases to receive benefits under Wisconsin works Works may be
6 considered assigned to this state. Except as provided in s. 49.1455, any money that
7 is received by the department in a month under an assignment to the state under this
8 paragraph for an individual applying for or participating in Wisconsin works Works
9 and that is not the federal share of support shall be paid to the individual applying
10 for or participating in Wisconsin works Works. The department shall pay the federal
11 share of support assigned under this paragraph as required under federal law or
12 waiver.

13 **SECTION 1060m.** 49.147 (4) (as) of the statutes is amended to read:
14 49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and
15 sub. (5m), a Wisconsin works Works agency shall require a participant placed in a
16 community service job program to work in a community service job for the number
17 of hours determined by the Wisconsin works Works agency to be appropriate for the
18 participant at the time of application or review, but not to exceed less than 20 hours
19 per week, nor more than 30 hours per week, for a participant in a full-time
20 community service job placement. Except as provided in pars. (at) and (av), a
21 Wisconsin works Works agency may require a participant placed in the community
22 service job program to participate in education or training activities for not more
23 than 10 hours per week. The department shall monitor the number of hours that
24 participants in community service job placements are required to work to ensure

ENGROSSED ASSEMBLY BILL 100

SECTION 1060m

1 compliance with the requirements under this paragraph by Wisconsin Works
2 agencies.

3 **SECTION 1060p.** 49.147 (5) (bs) of the statutes is amended to read:

4 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),

5 a Wisconsin works Works agency may require a participant placed in a full-time

6 transitional placement to engage in activities under par. (b) 1. for up to not less than

7 20 hours per week nor more than 28 hours per week. Except as provided in sub. (5m),

8 a Wisconsin works Works agency may require a participant placed in a transitional

9 placement to participate in education or training activities under par. (bm) for not

10 more than 12 hours per week. The department shall monitor the number of hours

11 that participants in transitional placements are required to engage in activities

12 under par. (b) 1. to ensure compliance with the requirements under this paragraph

13 by Wisconsin Works agencies.

14 **SECTION 1061.** 49.147 (6) (c) of the statutes is amended to read:

15 49.147 (6) (c) *Distribution and administration.* From the appropriations

16 appropriation under s. 20.445 (3) (dz), (jL), and (md), the department shall distribute

17 funds for job access loans to a Wisconsin Works agency, which shall administer the

18 loans in accordance with rules promulgated by the department.

19 **SECTION 1069m.** 49.153 of the statutes is created to read:

20 **49.153 Notice before taking certain actions. (1) WRITTEN AND ORAL NOTICE.**

21 Before taking any action against a participant that would result in a 20 percent or

22 more reduction in the participant's benefits or in termination of the participant's

23 eligibility to participate in Wisconsin Works, a Wisconsin Works agency shall do all

24 of the following:

ENGROSSED ASSEMBLY BILL 100

SECTION 1069m

1 (a) Provide to the participant written notice of the proposed action and of the
2 reasons for the proposed action.

3 (b) After providing written notice, explain to the participant orally in person
4 or by phone, or make reasonable attempts to explain to the participant orally in
5 person or by phone, the proposed action and the reasons for the proposed action.

6 (c) After providing the notice under par. (a) and the explanation or the attempts
7 to provide an explanation under par. (b), allow the participant a reasonable time to
8 rectify the deficiency, failure, or other behavior to avoid the proposed action.

9 (2) RULES. The department shall promulgate rules that establish procedures
10 for the notice and explanation under sub. (1) and that define "reasonable attempts"
11 for the purpose of sub. (1) (b) and "reasonable time" for the purpose of sub. (1) (c).

12 SECTION 1075. 49.155 (1g) (b) of the statutes is amended to read:

13 49.155 (1g) (b) From the ~~appropriation appropriations~~ under s. 20.445 (3) ~~(cm),~~
14 ~~(kx), and (mc),~~ distribute ~~\$7,593,500 in fiscal year 2003-04 and \$7,597,300~~
15 ~~\$1,488,500 in each~~ fiscal year 2004-05 for administering the child care program
16 under this section, for grants under s. 49.134 (2) for child day care resource and
17 referral services, for grants under s. 49.137 (4m), for a child care scholarship and
18 bonus program, and for administration of the department's office of child care and
19 for the department's share of the costs for the Child Care Information Center
20 operated by the division for libraries, technology, and community learning in the
21 department of public instruction.

22 SECTION 1076d. 49.155 (1g) (c) of the statutes is amended to read:

23 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),
24 transfer \$4,440,600 \$4,438,200 in fiscal year 2003-04 2005-06 and \$4,507,900

ENGROSSED ASSEMBLY BILL 100**SECTION 1076d**

1 \$4,440,500 in fiscal year ~~2004-05~~ 2006-07 to the appropriation account under s.
2 20.435 (3) (kx).

3 **SECTION 1077d.** 49.155 (1g) (d) of the statutes is created to read:

4 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), distribute
5 \$3,378,500 in fiscal year 2005-06 and \$3,378,500 in fiscal year 2006-07 for grants
6 under s. 49.134 (2) for child day care resource and referral services, for contracts
7 under s. 49.137 (4) for training and technical assistance, for grants under s. 49.137
8 (4m), and for a child care scholarship and bonus program.

9 **SECTION 1077r.** 49.155 (1m) (a) (intro.) of the statutes is amended to read:

10 49.155 (1m) (a) (intro.) The individual is a parent of a child who meets the
11 requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is
12 disabled, is under the age of 19; or is a person who, under s. 48.57 (3m) or (3n), is
13 providing care and maintenance for a child who meets the requirement under s.
14 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the
15 age of 19; and child care services for that child are needed in order for the individual
16 to do any of the following:

17 **SECTION 1078.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

18 49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years
19 and the individual resides with his or her custodial parent or with a kinship care
20 relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57
21 (3n) or is in a foster home or treatment foster home licensed under s. 48.62, a
22 subsidized guardianship home under s. 48.62 (5), a group home, or an independent
23 living arrangement supervised by an adult.

24 **SECTION 1079s.** 49.155 (1m) (b) 1. of the statutes is amended to read:

25 49.155 (1m) (b) 1. Section 49.145 (2) (e), (f) and (g).

ENGROSSED ASSEMBLY BILL 100

SECTION 1080

1 **SECTION 1080.** 49.155 (1m) (bm) of the statutes is amended to read:

2 49.155 (1m) (bm) If the individual is providing care for a child under a court
3 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
4 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child
5 care is needed for that child, the individual child meets the requirement under s.
6 49.145 (2) (c).

7 **SECTION 1081.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

8 49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized
9 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or
10 adoptive family has a gross income that is at or below 200% of the poverty line. In
11 calculating the gross income of the child's biological or adoptive family, the Wisconsin
12 works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

13 **SECTION 1083m.** 49.155 (6) (cm) of the statutes is created to read:

14 49.155 (6) (cm) The department shall modify child care provider
15 reimbursement rates established under pars. (a) to (c) so that reimbursement rates
16 are lower for providers of after-school day care.

17 **SECTION 1085f.** 49.161 (4) of the statutes is created to read:

18 49.161 (4) UNRECOVERABLE OVERPAYMENTS CAUSED BY WISCONSIN WORKS AGENCY
19 ERROR. If an overpayment under sub. (1), (2), or (3) resulted from an error or omission
20 by a Wisconsin Works agency or a staff person of a Wisconsin Works agency and the
21 department is unable to recover some or all of the overpayment from the individual
22 who received it, the Wisconsin Works agency is liable to the department for the
23 amount of the overpayment that the department is unable to recover.

24 **SECTION 1086.** 49.175 (1) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 1086

1 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
2 the limits of the appropriations under s. 20.445 (3) (a), (cm), (dz), (~~jL~~), (jm), (k), (kx),
3 (L), (mc), (md), (~~nL~~), and (me), and (s) the department shall allocate the following
4 amounts for the following purposes:

5 **SECTION 1087.** 49.175 (1) (a) of the statutes is amended to read:

6 49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits provided
7 under contracts having a term that begins on January 1, 2002, and ends on
8 December 31, 2003, \$33,219,700 in fiscal year 2003-04; and for Wisconsin Works
9 benefits provided under contracts having a term that begins on January 1, 2004, and
10 ends on December 31, 2005, \$33,219,700, \$59,184,700 in fiscal year 2003-04
11 2005-06 and \$66,439,400 \$51,930,000 in fiscal year 2004-05 2006-07.

12 **SECTION 1088.** 49.175 (1) (b) of the statutes is amended to read:

13 49.175 (1) (b) *Wisconsin Works administration.* For administration of
14 Wisconsin Works performed under contracts under s. 49.143 having a term that
15 begins on January 1, 2002, and ends on December 31, 2003, \$10,582,800 in fiscal
16 year 2003-04; and for administration of Wisconsin Works performed under contracts
17 under s. 49.143 having a term that begins on January 1, 2004, and ends on
18 December 31, 2005, \$10,582,900, \$18,999,900 in fiscal year 2003-04 2005-06 and
19 \$21,165,700 \$16,834,100 in fiscal year 2004-05 2006-07.

20 **SECTION 1089.** 49.175 (1) (c) of the statutes is amended to read:

21 49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses
22 to Wisconsin Works agencies that have entered into contracts under s. 49.143 having
23 a term that begins on January 1, 2002 2004, and that ends on December 31, 2003
24 2005, \$0 in fiscal year 2003-04 2005-06.

25 **SECTION 1090.** 49.175 (1) (f) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 1090

1 ~~49.175 (1) (f) Wisconsin Works ancillary services. For program services under~~
2 ~~Wisconsin Works, including transportation assistance for individuals who are~~
3 ~~eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,~~
4 ~~provided under contracts under s. 49.143 having a term that begins on January 1,~~
5 ~~2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003-04; and for~~
6 ~~program services under Wisconsin Works, including transportation assistance for~~
7 ~~individuals who are eligible to receive temporary assistance for needy families under~~
8 ~~42 USC 601 et seq., education and training, mentoring, and other services provided~~
9 ~~under contracts under s. 49.143 having a term that begins on January 1, 2004, and~~
10 ~~ends on December 31, 2005, \$27,803,300, \$49,534,800 in fiscal year 2003-04~~
11 ~~2005-06 and \$55,606,600 \$43,463,000 in fiscal year 2004-05 2006-07.~~

12 **SECTION 1091.** 49.175 (1) (g) of the statutes is amended to read:

13 49.175 (1) (g) *State administration of public assistance programs.* For state
14 administration of public assistance programs, ~~\$18,484,600~~ \$16,060,000 in each
15 fiscal year.

16 **SECTION 1092.** 49.175 (1) (m) of the statutes is amended to read:

17 49.175 (1) (m) *Children first.* For services under the work experience program
18 for noncustodial parents under s. 49.36, ~~\$1,140,000~~ \$834,400 in each fiscal year.

19 **SECTION 1093.** 49.175 (1) (n) of the statutes is repealed.

20 **SECTION 1094d.** 49.175 (1) (p) of the statutes is amended to read:

21 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
22 49.155, ~~\$298,640,600~~ \$310,332,100 in fiscal year ~~2003-04~~ 2005-06 and
23 ~~\$308,040,600~~ \$313,432,100 in fiscal year ~~2004-05~~ 2006-07.

24 **SECTION 1095c.** 49.175 (1) (q) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 1095c

1 49.175 (1) (q) ~~Indirect child~~ Child care services state administration. For
2 indirect child care services state administration costs under s. 49.155 (1g),
3 \$9,559,400 (b) and (c), \$5,926,700 in fiscal year 2003-04 2005-06 and \$9,626,700
4 \$5,929,000 in fiscal year 2004-05 2006-07.

5 SECTION 1096c. 49.175 (1) (qm) of the statutes is amended to read:

6 49.175 (1) (qm) ~~Local pass-through grant program~~ Quality care for quality
7 kids. For the ~~local pass-through grant program~~ under s. 49.137 (4m), \$2,475,100 in
8 fiscal year 2003-04 and \$2,478,500 in child care quality improvement activities
9 specified in s. 49.155 (1g) (d), \$3,378,500 in each fiscal year 2004-05.

10 SECTION 1098m. 49.175 (1) (r) of the statutes is repealed. ✓

11 ~~INSFF~~ SECTION 1100m. 49.175 (1) (ze) 1. of the statutes is amended to read:

12 49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the
13 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
14 (3p), \$24,122,200 \$23,034,200 in each fiscal year 2005-06 and \$22,686,300 in fiscal
15 year 2006-07.

16 SECTION 1101. 49.175 (1) (ze) 2. of the statutes is amended to read:

17 49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For
18 payments made under s. 49.775 for the support of the dependent children of
19 recipients of supplemental security income, \$26,397,200 \$30,444,000 in fiscal year
20 2003-04 2005-06 and \$29,175,100 \$30,394,000 in fiscal year 2004-05 2006-07.

21 SECTION 1102. 49.175 (1) (ze) 7. of the statutes is repealed.

22 SECTION 1103. 49.175 (1) (ze) 8. of the statutes is repealed.

23 SECTION 1104. 49.175 (1) (ze) 10m. of the statutes is amended to read:

24 49.175 (1) (ze) 10m. 'Safety services.' For services provided in counties having
25 a population of 500,000 or more to ensure the safety of children who the department

ENGROSSED ASSEMBLY BILL 100

SECTION 1104

1 of health and family services determines may remain at home if appropriate services
2 are provided, ~~\$7,045,500~~ \$5,707,200 in each fiscal year.

3 **SECTION 1105.** 49.175 (1) (ze) 12. of the statutes is amended to read:

4 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
5 the costs associated with the Milwaukee child welfare information system and the
6 Wisconsin statewide automated child welfare information system, ~~\$1,695,700~~
7 \$1,310,800 in fiscal year ~~2003-04~~ 2005-06 and ~~\$1,741,300~~ \$1,317,700 in fiscal year
8 ~~2004-05~~ 2006-07.

9 **SECTION 1106.** 49.175 (1) (zh) of the statutes is amended to read:

10 49.175 (1) (zh) ~~Taxable years 1999 and thereafter~~ Earned income tax credit
11 supplement. For the transfer of moneys from the appropriation account under s.
12 20.445 (3) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned
13 income tax credit, ~~\$57,892,000 in fiscal year 2003-04 and \$59,532,000~~ \$59,532,000
14 in each fiscal year ~~2004-05~~.

15 **SECTION 1107.** 49.175 (1) (zj) of the statutes is repealed.

16 **SECTION 1108.** 49.175 (1) (zL) of the statutes is renumbered 115.28 (35) and
17 amended to read:

18 115.28 (35) English for Southeast Asian children. ~~To~~ Annually pay to the school
19 board of the Wausau school district for English training instruction for 3-year-old,
20 4-year-old and 5-year-old Southeast Asian children, ~~\$100,000 in each fiscal year~~
21 the amount appropriated under s. 20.255 (2) (ce).

22 **SECTION 1109.** 49.175 (1) (zn) of the statutes is repealed.

23 **SECTION 1110.** 49.195 (3m) (b) of the statutes is amended to read:

24 49.195 (3m) (b) The clerk of circuit court shall accept, file, and enter the each
25 warrant under par. (a) and each satisfaction, release, or withdrawal under par. (d),

ENGROSSED ASSEMBLY BILL 100

SECTION 1110

1 (e), (g), or (h) in the judgment and lien docket without prepayment of any fee, but the
2 clerk of circuit court shall submit a statement of the proper fee semiannually to the
3 department covering the periods from January 1 to June 30 and July 1 to December
4 31 unless a different billing period is agreed to between the clerk of circuit court and
5 the department. The department shall pay the fees, but shall add the fees provided
6 by s. 814.61 (5) for entering the warrants to the amount of the warrant and shall
7 collect the fees from the person named in the warrant when satisfaction or release
8 is presented for entry.

9 **SECTION 1111.** 49.195 (3m) (h) of the statutes is amended to read:

10 49.195 (3m) (h) If the department arranges a payment schedule with the
11 debtor and the debtor complies with the payment schedule, the department shall
12 may issue a notice of withdrawal of the warrant to the clerk of circuit court for the
13 county in which the warrant is filed. The If the department issues a notice of
14 withdrawal of the warrant, the clerk shall void the warrant and the resulting liens.

15 **SECTION 1112.** 49.195 (3n) (p) of the statutes is amended to read:

16 49.195 (3n) (p) A levy is effective from the date on which the levy is first served
17 on the 3rd party until the liability out of which the levy arose is satisfied, or until the
18 levy is released or until one year from the date of service, whichever occurs first.

19 **SECTION 1113.** 49.195 (3n) (t) of the statutes is amended to read:

20 49.195 (3n) (t) Any 3rd party is entitled to a levy fee of \$5 for each levy in any
21 case where in which property is secured through the levy. The If the 3rd party retains
22 the fee, the 3rd party shall increase the levy amount by the amount of the fee and
23 deduct the fee from the proceeds of the levy.

24 **SECTION 1114.** 49.197 (1m) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 1114

1 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)
2 (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program to
3 investigate suspected fraudulent activity on the part of recipients of aid to families
4 with dependent children under s. 49.19, on the part of participants in the Wisconsin
5 works Works program under ss. 49.141 to 49.161, and, if the department of health
6 and family services contracts with the department under sub. (5), on the part of
7 recipients of medical assistance under subch. IV and, food stamp benefits under the
8 food stamp program under 7 USC 2011 to 2036, supplemental security income
9 payments under s. 49.77, payments for the support of children of supplemental
10 security income recipients under s. 49.775, and health care benefits under the
11 Badger Care health care program under s. 49.665. The department's activities under
12 this subsection may include, but are not limited to, comparisons of information
13 provided to the department by an applicant and information provided by the
14 applicant to other federal, state, and local agencies, development of an advisory
15 welfare investigation prosecution standard, and provision of funds to county
16 departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin works Works
17 agencies to encourage activities to detect fraud. The department shall cooperate
18 with district attorneys regarding fraud prosecutions.

19 **SECTION 1115.** 49.197 (3) of the statutes is amended to read:

20 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
21 activities to reduce payment errors in Wisconsin works Works under ss. 49.141 to
22 49.161 and, if the department of health and family services contracts with the
23 department under sub. (5), the ~~medical assistance~~ Medical Assistance program
24 under subch. IV and, the food stamp program under 7 USC 2011 to 2036, the
25 supplemental security income payments program under s. 49.77, the program

ENGROSSED ASSEMBLY BILL 100

SECTION 1115

1 providing payments for the support of children of supplemental security income
2 recipients under s. 49.775, and the Badger Care health care program under s. 49.665.

3 **SECTION 1116.** 49.197 (4) of the statutes is amended to read:

4 **49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION.** If the department of health and
5 family services contracts with the department under sub. (5), the department shall
6 provide funds from the appropriation under s. 20.445 (3) (kx) to counties and
7 governing bodies of federally recognized American Indian tribes administering
8 medical assistance Medical Assistance under subch. IV or, the food stamp program
9 under 7 USC 2011 to 2036, the supplemental security income payments program
10 under s. 49.77, the program providing payments for the support of children of
11 supplemental security income recipients under s. 49.775, and the Badger Care
12 health care program under s. 49.665 to offset administrative costs of reducing
13 payment errors in those programs.

14 **SECTION 1117.** 49.197 (5) of the statutes is amended to read:

15 **49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE AND, FOOD STAMPS, SUPPLEMENTAL**
16 **SECURITY INCOME, AND CARETAKER SUPPLEMENT.** The Notwithstanding s. 49.845 (1) and
17 (2), the department of health and family services may contract with the department
18 to investigate suspected fraudulent activity on the part of recipients of medical
19 assistance under subch. IV or recipients of, food stamp benefits under the food stamp
20 program under 7 USC 2011 to 2036, supplemental security income payments under
21 s. 49.77, payments for the support of children of supplemental security income
22 recipients under s. 49.775, and health care benefits under the Badger Care health
23 care program under s. 49.665 and to conduct activities to reduce payment errors in
24 the Medical Assistance program under subch. IV, the food stamp program under 7
25 USC 2011 to 2036, the supplemental security income payments program under s.

ENGROSSED ASSEMBLY BILL 100

SECTION 1117

1 49.77, the program providing payments for the support of children of supplemental
2 security income recipients under s. 49.775, and the Badger Care health care program
3 under s. 49.665, as provided in this section.

4 SECTION 1118. 49.22 (1) of the statutes is amended to read:

5 49.22 (1) There is created a child and spousal support and establishment of
6 paternity and medical liability support liability program in the department. The
7 purpose of this program is to establish paternity when possible, to establish or modify
8 support obligations, to enforce support obligations owed by parents to their children
9 and maintenance obligations owed to spouses or former spouses with whom the
10 children reside in this state or owed in other states if the support order was issued
11 in this state or owed in other states if the parent, spouse, or former spouse resides
12 in this state, to locate persons who are alleged to have taken their child in violation
13 of s. 948.31 or of similar laws in other states, and to locate and value property of any
14 person having a support duty. To accomplish the objectives of this program and of
15 other assistance programs under this chapter, county and state agencies will
16 cooperate with one another to implement a child and spousal support and paternity
17 establishment and medical support liability program in accordance with state and
18 federal laws, regulations, and rules and to assure proper distribution of benefits of
19 all assistance programs authorized under this chapter.

20 SECTION 1119. 49.36 (2) of the statutes is amended to read:

21 49.36 (2) The department may contract with any county, tribal governing body,
22 or Wisconsin works Works agency to administer a work experience and job training
23 program for parents who are not custodial parents and who fail to pay child support
24 or to meet their children's needs for support as a result of unemployment or
25 underemployment. The program may provide the kinds of work experience and job

ENGROSSED ASSEMBLY BILL 100**SECTION 1119**

1 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
2 (3) or (4). The program may also include job search and job orientation activities.
3 The department shall fund the program from the appropriation appropriations
4 under s. 20.445 (3) (dz) and (k).

5 **SECTION 1120.** 49.45 (2) (a) 3m. of the statutes is repealed.

6 **SECTION 1124.** 49.45 (3) (i) of the statutes is repealed.

7 **SECTION 1124g.** 49.45 (3) (m) of the statutes is created to read:

8 49.45 (3) (m) Reimbursement for services provided by a health maintenance
9 organization, as defined in s. 609.01 (2), with a contract under sub. (2) (b) 2. to provide
10 health care to recipients of Medical Assistance or Badger Care, shall be made under
11 capitation rates that are actuarially sound.

12 **SECTION 1125s.** 49.45 (6m) (a) 6. of the statutes is created to read:

13 49.45 (6m) (a) 6. "Resource Utilization Groupings III" means a comparative
14 resource utilization grouping that classifies each facility resident based on
15 information obtained from performing, for the resident, a minimum data set
16 assessment developed by the federal Centers for Medicare and Medicaid Services.

17 **SECTION 1128m.** 49.45 (6m) (ag) 3p. of the statutes is created to read:

18 49.45 (6m) (ag) 3p. For all costs specified under par. (am) 1. bm., an
19 acuity-based payment rate system to which all of the following applies:

20 a. The system shall incorporate acuity measurements under the most recent
21 Resource Utilization Groupings III methodology to determine factors for case-mix
22 adjustment.

23 b. Four times annually, for each facility resident who is a Medical Assistance
24 recipient on March 31, June 30, September 30, or December 31, as applicable, the

ENGROSSED ASSEMBLY BILL 100

SECTION 1128m

1 system shall determine the average case-mix index by use of the factors specified
2 under subd. 3p. a.

3 c. The system shall incorporate payment adjustments for dementia, behavioral
4 needs, or other complex medical conditions.

5 d. The system may include incentives for providing high quality of care.

6 e. The system shall identify the extent to which payment is made to facilities,
7 under the system, for facilities' direct care nursing costs allowable under Medical
8 Assistance.

9 **SECTION 1132f.** 49.45 (6m) (m) of the statutes is created to read:

10 49.45 (6m) (m) The department may not use the criteria for functional
11 eligibility specified in s. 46.286 (1) (a) to determine rates of payment to facilities
12 under this subsection.

13 **SECTION 1133.** 49.45 (6t) of the statutes, as affected by 2003 Wisconsin Act 318,
14 is repealed.

15 **SECTION 1135c.** 49.45 (6x) (title) of the statutes is amended to read:

16 49.45 (6x) (title) FUNDING FOR ESSENTIAL ACCESS CITY HOSPITAL HOSPITALS.

17 **SECTION 1135d.** 49.45 (6x) (a) of the statutes is amended to read:

18 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriation accounts
19 under s. 20.435 (4) (b), (gp), (o), and (w), the department shall distribute not more
20 than \$4,748,000 in each fiscal year, to provide funds to an essential access city
21 hospital hospitals, except that the department may not allocate funds to an essential
22 access city hospital to the extent that the allocation would exceed any limitation
23 under 42 USC 1396b (i) (3).

24 **SECTION 1135e.** 49.45 (6x) (b) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 1135e

1 49.45 (6x) (b) The department shall develop procedures for solicitation and
2 review of requests for funds and a method to distribute the funds under par. (a) to
3 ~~an individual hospital~~ hospitals that shall include establishment of criteria for the
4 designation as an essential access city hospital. Beginning on July 1, 2007, the
5 criteria established by the department may not include reference to criteria that
6 were required to have been met during July 1, 1995, to June 30, 1996, but shall
7 include the requirement that more than 30 percent of a hospital's total inpatient days
8 are reimbursable under Medical Assistance. No hospital that qualifies for a Medical
9 Assistance pediatric inpatient supplement is eligible for funds under this subsection.

10 **SECTION 1144p.** 49.45 (18) (ag) 1. of the statutes is amended to read:

11 49.45 (18) (ag) 1. A copayment of \$1 ~~\$3~~ for each prescription of a drug that bears
12 only a generic name, as defined in s. 450.12 (1) (b).

13 **SECTION 1146j.** 49.45 (27) of the statutes is amended to read:

14 49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien
15 lawfully admitted for permanent residence or otherwise permanently residing in the
16 United States under color of law may not receive medical assistance benefits except
17 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), subject to s. 49.46 (2) (f).

18 **SECTION 1147.** 49.45 (39) (b) 1. of the statutes is amended to read:

19 49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a
20 cooperative educational service agency elects to provide school medical services and
21 meets all requirements under par. (c), the department shall reimburse the school
22 district or the cooperative educational service agency for 60% of the federal share of
23 allowable charges for the school medical services that it provides and, as specified
24 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
25 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf

ENGROSSED ASSEMBLY BILL 100

SECTION 1147

1 and Hard of Hearing elects to provide school medical services and meets all
2 requirements under par. (c), the department shall reimburse the department of
3 public instruction for 60% of the federal share of allowable charges for the school
4 medical services that the Wisconsin Center for the Blind and Visually Impaired or
5 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
6 provides and, as specified in subd. 2., for allowable administrative costs. A school
7 district, cooperative educational service agency, the Wisconsin Center for the Blind
8 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
9 and Hard of Hearing may submit, and the department shall allow, claims for common
10 carrier transportation costs as a school medical service unless the department
11 receives notice from the federal health care financing administration that, under a
12 change in federal policy, the claims are not allowed. If the department receives the
13 notice, a school district, cooperative educational service agency, the Wisconsin
14 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
15 Program for the Deaf and Hard of Hearing may submit, and the department shall
16 allow, unreimbursed claims for common carrier transportation costs incurred before
17 the date of the change in federal policy. The department shall promulgate rules
18 establishing a methodology for making reimbursements under this paragraph.
19 ~~Except as provided in subd. 1m., all~~ All other expenses for the school medical services
20 provided by a school district or a cooperative educational service agency shall be paid
21 for by the school district or the cooperative educational service agency with funds
22 received from state or local taxes. The school district, the Wisconsin Center for the
23 Blind and Visually Impaired, the Wisconsin Educational Services Program for the
24 Deaf and Hard of Hearing, or the cooperative educational service agency shall

ENGROSSED ASSEMBLY BILL 100

SECTION 1147

1 comply with all requirements of the federal department of health and human
2 services for receiving federal financial participation.

3 **SECTION 1148.** 49.45 (39) (b) 1m. of the statutes is repealed.

4 **SECTION 1149.** 49.45 (39) (b) 2. of the statutes is amended to read:

5 49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The
6 department shall reimburse a school district or a cooperative educational service
7 agency specified under subds. ~~subd. 1. and 1m.~~ and shall reimburse the department
8 of public instruction on behalf of the Wisconsin Center for the Blind and Visually
9 Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of
10 Hearing for 90% of the federal share of allowable administrative costs, using time
11 studies, beginning in fiscal year 1999-2000. A school district or a cooperative
12 educational service agency may submit, and the department of health and family
13 services shall allow, claims for administrative costs incurred during the period that
14 is up to 24 months before the date of the claim, if allowable under federal law.

15 **SECTION 1149f.** 49.45 (42m) of the statutes is created to read:

16 49.45 (42m) PHYSICAL AND OCCUPATIONAL THERAPY. (a) If, in authorizing the
17 provision of physical or occupational therapy services under s. 49.46 (2) (b) 6. b., the
18 department authorizes a reduced duration of services from the duration that the
19 provider specifies in the authorization request, the department shall substantiate
20 the reduction that the department made in the duration of the services if the provider
21 of the services requests any additional authorizations for the provision of physical
22 or occupational therapy services to the same individual.

23 (b) The division of the department that is responsible for health care financing
24 shall monitor compliance with the requirement under par. (a) in concert with