



State of Wisconsin
2005 - 2006 LEGISLATURE

NOTE

LRB-0084/R
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DOA:.....Rhodes - BB0086 Subsidized Guardianship Program

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the appointment of a guardian for certain children in need
2 of protection or services, the payment of subsidized guardianship payments to
3 a guardian of a child who meets certain requirements, and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) may appoint a relative of a child as the guardian of the child if the juvenile court makes certain findings, including a finding that the child has been adjudged to be in need of protection or services and has been placed outside of his or her home pursuant to an order of the juvenile court for one year or longer.

This bill permits any person, not just a relative, to be appointed as the guardian of a child who has been adjudged to be in need of protection or services. The bill also eliminates that one-year waiting period and permits a child who has been adjudged to be in need of protection or services or whose parents' parental rights to the child have been terminated to be placed directly in the home of a guardian without first having been placed in another out-of-home placement. In addition, the bill permits

the parental rights of a parent of a child in need of protection or services for whom a guardian has been appointed to be terminated on the grounds of abandonment if, when the juvenile court appointed the guardian, the juvenile court provided the parent with notice of any ground for termination of parental rights that may be applicable and of the conditions necessary for the child to be returned home and the parent has failed to visit or communicate with the child for a period of three months or longer.

Currently, a relative who is appointed as the guardian of a child in need of protection or services and who meets certain other requirements is eligible to receive long-term kinship care payments in the amount of \$215 per month for providing care and maintenance for the child. This bill permits a county department of human services or social services (county department) or, in Milwaukee County, DHFS to provide monthly subsidized guardianship payments to a person who is appointed as the guardian for a child in need of protection of services; was the licensed foster parent or treatment foster parent of the child before that appointment; has passed a home inspection and criminal background investigation; and has entered into a subsidized guardianship agreement with the county department or DHFS. The bill also permits a county department or DHFS to provide monthly subsidized guardianship payments for a period of up to 12 months to an interim caretaker who has passed a home inspection and criminal background investigation on the death, incapacity, resignation, or removal of the subsidized guardian.

A county department or DHFS may provide the monthly subsidized guardianship payments to the person if the child has been placed outside the home for a cumulative total period of one year or longer; the juvenile court has found that reunification of the child with the child's parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child; and the juvenile court has found that appointment of a guardian is in the best interests of the child. A county department or DHFS may also provide monthly subsidized guardianship payments if the child does not meet any of those conditions, but DHFS has determined that appointing a guardian for the child and providing subsidized guardianship payments to the guardian are in the best interests of the child and the juvenile court has confirmed that determination.

Under the bill, the amount of a monthly subsidized guardianship payment is equal to the amount of the monthly foster care or treatment foster care payment received by the guardian immediately before the guardianship order was granted. In addition, a subsidized guardian is eligible for a child care subsidy under the Wisconsin Works Program in the same manner as a foster parent is so eligible, and a subsidized guardian who adopts the child is eligible for adoption assistance in the same manner as a foster parent who adopts the child is so eligible. Also, a child who is in the care of a subsidized guardian is eligible for Medical Assistance in the same manner as a child in foster care is so eligible.

The bill also requires DHFS to request from the secretary of the federal Department of Health and Human Services a waiver of the requirements under Title IV-E of the federal Social Security Act that would authorize the state to receive

federal foster care and adoption assistance reimbursement for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent or treatment foster parent before the guardianship appointment, and who has entered into a subsidized guardianship agreement. If the waiver is approved for Milwaukee County, the bill requires DHFS to provide the monthly subsidized guardianship payments. If the waiver is approved for any other county, the bill requires DHFS to determine which counties are authorized to provide subsidized guardianship payments and requires those authorized counties to provide those payments.

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

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

1 **SECTION 1.** 20.435 (7) (b) of the statutes is amended to read: (b+w) and

2 20.435 (7) (b) *Community aids and Medical Assistance payments.* The and

3 amounts in the schedule for human services under s. 46.40, to fund services provided

4 by resource centers under s. 46.283 (5), for services under the family care benefit

5 under s. 46.284 (5), for reimbursement to counties having a population of less than

6 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter

7 care under ss. 48.58 and 938.22, for foster care and, treatment foster care, and

8 subsidized guardianship care under s. ss. 46.261 and 49.19 (10), for Medical

9 Assistance payment adjustments under s. 49.45 (52), for Medical Assistance

10 payments under s. 49.45 (53), ~~and for payments under SECTION 25 (3)~~, Social services

11 disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds

12 received relating to payments made under s. 46.03 (20) (b) for the provision of

13 services for which moneys are appropriated under this paragraph shall be returned

14 to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the

15 department of health and family services may transfer funds between fiscal years

16 under this paragraph. The department shall deposit into this appropriation funds

1 it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior year audit adjustments
2 including those resulting from audits of services under s. 46.26, 1993 stats., or s.
3 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds
4 recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s.
5 46.40 and not spent or encumbered by December 31 of each year shall lapse to the
6 general fund on the succeeding January 1 unless carried forward to the next calendar
7 year by the joint committee on finance.

8 ~~SECTION 2. 20.435 (7) (b) of the statutes, as affected by 2003 Wisconsin Act 318,~~
9 ~~section 6, and 2005 Wisconsin Act ... (this act), is repealed and recreated to read:~~

10 ~~20.435 (7) (b) *Community aids.* The amounts in the schedule for human~~
11 ~~services under s. 46.40, to fund services provided by resource centers under s. 46.283~~
12 ~~(5), for services under the family care benefit under s. 46.284 (5), for reimbursement~~
13 ~~to counties having a population of less than 500,000 for the cost of court attached~~
14 ~~intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for~~
15 ~~foster care, treatment foster care, and subsidized guardianship care under ss. 46.261~~
16 ~~and 49.19 (10). Social services disbursements under s. 46.03 (20) (b) may be made~~
17 ~~from this appropriation. Refunds received relating to payments made under s. 46.03~~
18 ~~(20) (b) for the provision of services for which moneys are appropriated under this~~
19 ~~paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3)~~
20 ~~(a) and 20.002 (1), the department of health and family services may transfer funds~~
21 ~~between fiscal years under this paragraph. The department shall deposit into this~~
22 ~~appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior~~
23 ~~year audit adjustments including those resulting from audits of services under s.~~
24 ~~46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward~~
25 ~~under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all~~

1 funds allocated under s. 46.40 and not spent or encumbered by December 31 of each
2 year shall lapse to the general fund on the succeeding January 1 unless carried
3 forward to the next calendar year by the joint committee on finance.
4

5 **SECTION 3.** 46.10 (14) (a) of the statutes is amended to read:

6 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person
7 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
8 under 18 years of age at community mental health centers, a county mental health
9 complex under s. 51.08, the centers for the developmentally disabled, the Mendota
10 Mental Health Institute, and the Winnebago Mental Health Institute or care and
11 maintenance of persons under 18 years of age in residential, nonmedical facilities
12 such as group homes, foster homes, treatment foster homes, child caring institutions,
13 subsidized guardianship homes, residential care centers for children and youth, and
14 juvenile correctional institutions is determined in accordance with the cost-based
15 fee established under s. 46.03 (18). The department shall bill the liable person up
16 to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
17 3rd-party benefits, subject to rules that include formulas governing ability to pay
18 promulgated by the department under s. 46.03 (18). Any liability of the patient not
19 payable by any other person terminates when the patient reaches age 18, unless the
20 liable person has prevented payment by any act or omission.

21 **SECTION 4.** 46.10 (14) (b) of the statutes is amended to read:

22 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
23 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
24 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
25 in a residential, nonmedical facility such as a group home, foster home, treatment
foster home, subsidized guardianship home, or residential care center for children

1 and youth shall be determined by the court by using the percentage standard
2 established by the department of workforce development under s. 49.22 (9) and by
3 applying the percentage standard in the manner established by the department
4 under s. 46.247.

5 **SECTION 5.** 46.261 (1) (a) of the statutes is amended to read:

6 46.261 (1) (a) The child is living in a foster home or treatment foster home
7 licensed under s. 48.62 if a license is required under that section, in a foster home
8 or treatment foster home located within the boundaries of a federally recognized
9 American Indian reservation in this state and licensed by the tribal governing body
10 of the reservation, in a group home licensed under s. 48.625, in a subsidized
11 guardianship home under s. 48.62 (5), or in a residential care center for children and
12 youth licensed under s. 48.60, and has been placed in the foster home, treatment
13 foster home, group home, subsidized guardianship home, or center by a county
14 department under s. 46.215, 46.22, or 46.23, by the department, or by a federally
15 recognized American Indian tribal governing body in this state under an agreement
16 with a county department under s. 46.215, 46.22, or 46.23.

17 **SECTION 6.** 46.261 (2) (a) 1. of the statutes is amended to read:

18 46.261 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
19 home or treatment foster home having a license under s. 48.62, in a foster home or
20 treatment foster home located within the boundaries of a federally recognized
21 American Indian reservation in this state and licensed by the tribal governing body
22 of the reservation or in a group home licensed under s. 48.625, a subsidized guardian
23 or interim caretaker under s. 48.62 (5) who cares for the dependent child, or a minor
24 custodial parent who cares for the dependent child, regardless of the cause or
25 prospective period of dependency. The state shall reimburse counties pursuant to the

1 procedure under s. 46.495 (2) and the percentage rate of participation set forth in s.
2 46.495 (1) (d) for aid granted under this section except that if the child does not have
3 legal settlement in the granting county, state reimbursement shall be at 100%. The
4 county department under s. 46.215 or 46.22 or the department under s. 48.48 (17)
5 shall determine the legal settlement of the child. A child under one year of age shall
6 be eligible for aid under this subsection irrespective of any other residence
7 requirement for eligibility within this section.

8 **SECTION 7.** 46.261 (2) (a) 3. of the statutes is amended to read:

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

20 **SECTION 8.** 46.261 (2) (a) 4. of the statutes is amended to read:

21 46.261 (2) (a) 4. A licensed foster home, treatment foster home, group home,
22 or residential care center for children and youth or a subsidized guardianship home
23 when the child is in the custody or guardianship of the state, when the child is a ward
24 of an American Indian tribal court in this state and the placement is made under an
25 agreement between the department and the tribal governing body, or when the child

1 was part of the state's direct service case load and was removed from the home of a
2 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
3 continuance in the home of a relative would be contrary to the child's welfare for any
4 reason and the child is placed by the department.

5 **SECTION 9.** 46.261 (2) (b) of the statutes is amended to read:

6 46.261 (2) (b) Notwithstanding par. (a), aid under this section may not be
7 granted for placement of a child in a foster home or treatment foster home licensed
8 by a federally recognized American Indian tribal governing body, for placement of a
9 child in a foster home, treatment foster home, group home, subsidized guardianship
10 home, or residential care center for children and youth by a tribal governing body or
11 its designee, or for the placement of a child who is a ward of a tribal court if the tribal
12 governing body is receiving or is eligible to receive funds from the federal government
13 for that type of placement ~~or for placement of a child in a group home licensed under~~
14 ~~s. 48.625.~~

15 **SECTION 10.** 46.495 (1) (d) of the statutes is amended to read:

16 46.495 (1) (d) From the appropriations under s. 20.435 ~~(3) (c)~~ [✓] and (7) (b) and
17 (o), the department shall distribute the funding for social services, including funding
18 for foster care ~~or~~, treatment foster care, or subsidized guardianship care of a child on
19 whose behalf aid is received under s. 46.261, to county departments under ss. 46.215,
20 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for
21 the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for
22 the distribution under s. 46.40 (2) shall be specified in a schedule established
23 annually by the department of health and family services. Each county's required
24 match for the distribution under s. 46.40 (8) for a year equals 9.89% of the total of
25 the county's distributions under s. 46.40 (8) for that year for which matching funds

1 are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats.,
2 to spend for juvenile delinquency-related services from its distribution for 1987.
3 Each county's required match for the distribution under s. 46.40 (9) (b) for a year
4 equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for that
5 year. Matching funds may be from county tax levies, federal and state revenue
6 sharing funds, or private donations to the county that meet the requirements
7 specified in s. 51.423 (5). Private donations may not exceed 25% of the total county
8 match. If the county match is less than the amount required to generate the full
9 amount of state and federal funds distributed for this period, the decrease in the
10 amount of state and federal funds equals the difference between the required and the
11 actual amount of county matching funds.

12 **SECTION II.** 46.495 (1) (d) of the statutes, as affected by 2003 Wisconsin Act
13 318, section 13, and 2005 Wisconsin Act ... (this act), is repealed and recreated to
14 read:

15 46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b) and
16 (o), the department shall distribute the funding for social services, including funding
17 for foster care, treatment foster care of a child on whose behalf aid is received under
18 s. 46.261, to county departments under ss. 46.215, 46.22, and 46.23 as provided
19 under s. 46.40. County matching funds are required for the distributions under s.
20 46.40 (2), (8), and (9) (b). Each county's required match for the distributions under
21 s. 46.40 (2) and (8) for a year equals 9.89% of the total of the county's distributions
22 under s. 46.40 (2) and (8) for that year for which matching funds are required plus
23 the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for
24 juvenile delinquency-related services from its distribution for 1987. Each county's
25 ~~required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of~~

1 that county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching
 2 funds may be from county tax levies, federal and state revenue sharing funds, or
 3 private donations to the county that meet the requirements specified in s. 51.423 (5).
 4 Private donations may not exceed 25% of the total county match. If the county match
 5 is less than the amount required to generate the full amount of state and federal
 6 funds distributed for this period, the decrease in the amount of state and federal
 7 funds equals the difference between the required and the actual amount of county
 8 matching funds.
 9

10 **SECTION 12.** 46.51 (4) of the statutes is amended to read:

11 46.51 (4) A county may use the funds distributed under this section to fund
 12 additional foster parents ~~and~~, treatment foster parents, and subsidized guardians
 13 or interim caretakers to care for abused and neglected children and to fund
 14 additional staff positions to provide services related to child abuse and neglect and
 15 to unborn child abuse.

16 **SECTION 13.** 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 14.** 48.345 (3) (c) of the statutes is amended to read:

24 48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62
 25 ~~or~~, a group home licensed under s. 48.625, or in the home of a guardian under s.
48.977 (2).

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1 **SECTION 15.** 48.356 (1) of the statutes is amended to read:

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

12 **SECTION 16.** 48.425 (1) (g) of the statutes is amended to read:

13 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.
14 determines that it is unlikely that the child will be adopted, or if adoption would not
15 be in the best interests of the child, the report shall include a plan for placing the child
16 in a permanent family setting. The plan shall include a recommendation as to the
17 agency to be named guardian of the child ~~or~~, a recommendation that the person
18 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian
19 of the child, or a recommendation that a guardian be appointed for the child under
20 s. 48.977 (2).

21 **SECTION 17.** 48.427 (3m) (intro.) of the statutes is amended to read:

22 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are
23 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,
24 the court shall either do one of the following:

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

1 48.427 **(3m)** (c) Appoint a guardian under s. 48.977 and transfer guardianship
2 and custody of the child to the guardian.

3 **SECTION 19.** 48.427 (3p) of the statutes is amended to read:

4 48.427 **(3p)** If the rights of both parents or of the only living parent are
5 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the
6 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters
7 an order under this subsection, the court shall terminate the guardianship under s.
8 48.977.

9 **SECTION 20.** 48.48 (17) (a) 3. of the statutes is amended to read:

10 48.48 **(17)** (a) 3. Provide appropriate protection and services for children and
11 the expectant mothers of unborn children in its care, including providing services for
12 those children and their families and for those expectant mothers in their own
13 homes, placing the children in licensed foster homes, treatment foster homes, or
14 group homes in this state or another state within a reasonable proximity to the
15 agency with legal custody, placing the children in the homes of guardians under s.
16 48.977 (2), or contracting for services for those children by licensed child welfare
17 agencies, except that the department may not purchase the educational component
18 of private day treatment programs unless the department, the school board, as
19 defined in s. 115.001 (7), and the state superintendent of public instruction all
20 determine that an appropriate public education program is not available. Disputes
21 between the department and the school district shall be resolved by the state
22 superintendent of public instruction.

23 **SECTION 21.** 48.48 (17) (c) 4. of the statutes is amended to read:

1 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,
2 ~~or~~, residential care center for children and youth, or subsidized guardianship home
3 under s. 48.62 (5).

4 **SECTION 22.** 48.57 (1) (c) of the statutes is amended to read:

5 48.57 (1) (c) To provide appropriate protection and services for children and the
6 expectant mothers of unborn children in its care, including providing services for
7 those children and their families and for those expectant mothers in their own
8 homes, placing those children in licensed foster homes, treatment foster homes, or
9 group homes in this state or another state within a reasonable proximity to the
10 agency with legal custody, placing those children in the homes of guardians under
11 s. 48.977 (2), or contracting for services for those children by licensed child welfare
12 agencies, except that the county department may not purchase the educational
13 component of private day treatment programs unless the county department, the
14 school board, as defined in s. 115.001 (7), and the state superintendent of public
15 instruction all determine that an appropriate public education program is not
16 available. Disputes between the county department and the school district shall be
17 resolved by the state superintendent of public instruction.

18 **SECTION 23.** 48.57 (3) (a) 4. of the statutes is amended to read:

19 48.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
20 ~~or~~, residential care center for children and youth, or subsidized guardianship home
21 under s. 48.62 (5).

22 **SECTION 24.** 48.57 (3m) (cm) of the statutes is amended to read:

23 48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)
24 for providing care and maintenance for a child is not eligible to receive a payment
25 under sub. (3n) or s. 48.62 (4) or (5) for that child.

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

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

5 **SECTION 26.** 48.57 (3p) (a) of the statutes is amended to read:

6 48.57 **(3p)** (a) In this subsection, “adult resident” means a person 18 years of
7 age or over who lives at the home of a person who has applied for or is receiving
8 payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b) with the intent of making
9 that home his or her home or who lives for more than 30 days cumulative in any
10 6-month period at the home of a person who has applied for or is receiving payments
11 under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b).

12 **SECTION 27.** 48.57 (3p) (b) 1. of the statutes is amended to read:

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

18 **SECTION 28.** 48.57 (3p) (b) 3. of the statutes is amended to read:

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

25 **SECTION 29.** 48.57 (3p) (c) 1. of the statutes is amended to read:

1 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)
2 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
3 population of 500,000 or more, the department of health and family services, with
4 the assistance of the department of justice, shall, in addition to the investigation
5 under par. (b) 1., conduct a background investigation of all employees and
6 prospective employees of the applicant who have or would have regular contact with
7 the child for whom those payments are being made and of each adult resident.

8 **SECTION 30.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

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

17 **SECTION 31.** 48.57 (3p) (c) 3. of the statutes is amended to read:

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

1 **SECTION 32.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

2 48.57 (**3p**) (fm) 1m. The county department or, in a county having a population
3 of 500,000 or more, the department of health and family services may not enter into
4 the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b)
5 unless the county department or department of health and family services receives
6 information from the department of justice relating to the conviction record of the
7 applicant under the law of this state and that record indicates either that the
8 applicant has not been arrested or convicted or that the applicant has been arrested
9 or convicted but the director of the county department or, in a county having a
10 population of 500,000 or more, the person designated by the secretary of health and
11 family services to review conviction records under this subdivision determines that
12 the conviction record is satisfactory because it does not include any arrest or
13 conviction that the director or person designated by the secretary determines is
14 likely to adversely affect the child or the ~~long-term kinship care relative's~~ applicant's
15 ability to care for the child. The county department or, in a county having a
16 population of 500,000 or more, the department of health and family services may
17 make payments under sub. (3n) or s. 48.62 (5) (a) or (b) conditioned on the receipt of
18 information from the federal bureau of investigation indicating that the person's
19 conviction record under the law of any other state or under federal law is satisfactory
20 because the conviction record does not include any arrest or conviction that the
21 director of the county department or, in a county having a population of 500,000 or
22 more, the person designated by the secretary of health and family services to review
23 conviction records under this subdivision determines is likely to adversely affect the
24 child or the ~~long-term kinship care relative's~~ applicant's ability to care for the child.

25 **SECTION 33.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

1 48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)
2 (a) or (b) may provisionally employ a person in a position in which that person would
3 have regular contact with the child for whom those payments are being made or
4 provisionally permit a person to be an adult resident if the person receiving those
5 payments states to the county department or, in a county having a population of
6 500,000 or more, the department of health and family services that, to the best of his
7 or her knowledge, the employee or adult resident does not have any arrests or
8 convictions that could adversely affect the child or the ability of the person receiving
9 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62
10 (5) (a) or (b) may not finally employ a person in a position in which that person would
11 have regular contact with the child for whom those payments are being made or
12 finally permit a person to be an adult resident until the county department or, in a
13 county having a population of 500,000 or more, the department of health and family
14 services receives information from the department of justice relating to the person's
15 conviction record under the law of this state and that record indicates either that the
16 person has not been arrested or convicted or that the person has been arrested or
17 convicted but the director of the county department or, in a county having a
18 population of 500,000 or more, the person designated by the secretary of health and
19 family services to review conviction records under this subdivision determines that
20 the conviction record is satisfactory because it does not include any arrest or
21 conviction that is likely to adversely affect the child or the ~~long-term kinship care~~
22 relative's ability of the person receiving payments to care for the child and the county
23 department or department of health and family services so advises the person
24 receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b). A person receiving
25 payments under sub. (3n) or s. 48.62 (5) (a) or (b) may finally employ a person in a

1 position in which that person would have regular contact with the child for whom
2 those payments are being made or finally permit a person to be an adult resident
3 conditioned on the receipt of information from the county department or, in a county
4 having a population of 500,000 or more, the department of health and family services
5 that the federal bureau of investigation indicates that the person's conviction record
6 under the law of any other state or under federal law is satisfactory because the
7 conviction record does not include any arrest or conviction that the director of the
8 county department or, in a county having a population of 500,000 or more, the person
9 designated by the secretary of health and family services to review conviction records
10 under this subdivision determines is likely to adversely affect the child or the
11 ~~long-term kinship care relative's~~ ability of the person receiving payments to care for
12 the child.

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

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

24 **SECTION 35.** 48.61 (3) of the statutes is amended to read:

1 48.61 (3) To provide appropriate care and training for children in its legal or
2 physical custody and, if licensed to do so, to place children in licensed foster homes,
3 licensed treatment foster homes, and licensed group homes and in the homes of
4 guardians under s. 48.977 (2).

5 **SECTION 36.** 48.615 (1) (b) of the statutes is amended to read:

6 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to
7 a child welfare agency that places children in licensed foster homes, licensed
8 treatment foster homes, and licensed group homes and in the homes of guardians
9 under s. 48.977 (2), the child welfare agency must pay to the department a biennial
10 fee of \$254.10.

11 **SECTION 37.** 48.62 (5) of the statutes is created to read:

12 48.62 (5) (a) Subject to par. (d), a county department or, in a county having a
13 population of 500,000 or more, the department shall provide monthly subsidized
14 guardianship payments in the amount specified in par. (e) to a guardian of a child
15 under s. 48.977 (2) or under a substantially similar tribal law or law of another state
16 who was licensed as the child's foster parent or treatment foster parent before the
17 guardianship appointment and who has entered into a subsidized guardianship
18 agreement with the county department or department if the guardian meets the
19 conditions specified in par. (c) 1. and 2. and if the child meets any of the following
20 conditions:

21 1. The child has been placed outside of his or her home, as described in s. 48.365
22 (1), for a cumulative total period of one year or longer, the court has found that the
23 agency primarily responsible for providing services to the child under a court order
24 has made reasonable efforts to make it possible for the child to return to his or her
25 home, while assuring that the child's health and safety are the paramount concerns,

1 but that reunification of the child with the child's parent or parents is unlikely or
2 contrary to the best interests of the child and that further reunification efforts are
3 unlikely to be made or are contrary to the best interests of the child, or that any of
4 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. apply, and the court has found
5 that appointment of a guardian for the child is in the best interests of the child.

6 2. The child does not meet the conditions specified in subd. 1., but the county
7 department or department has determined, and a court has confirmed under s.
8 48.977 (3r) or under a substantially similar tribal law or law of another state, that
9 appointing a guardian for the child and providing monthly subsidized guardianship
10 payments to the guardian are in the best interests of the child.

11 (b) Subject to par. (d), on the death, incapacity, resignation, or removal of a
12 guardian receiving payments under par. (a), a county department or, in a county
13 having a population of 500,000 or more, the department shall provide monthly
14 subsidized guardianship payments in the amount specified in par. (e) for a period of
15 up to 12 months to an interim caretaker who meets all of the conditions specified in
16 par. (c).

17 (c) A county department or, in a county having a population of 500,000 or more,
18 the department may not provide monthly subsidized guardianship payments under
19 par. (a) or (b) unless all of the following conditions are met:

20 1. The county department or department inspects the home of the guardian or
21 interim caretaker, interviews the guardian or interim caretaker, and determines
22 that placement of the child with the guardian or interim caretaker is in the best
23 interests of the child.

24 2. The county department or department conducts a background investigation
25 under s. 48.57 (3p) of the guardian or interim caretaker, the employees and

1 prospective employees of the guardian or interim caretaker who have or would have
2 regular contact with the child for whom the payments would be made, and any other
3 adult resident, as defined in s. 48.57 (3p) (a), of the home of the guardian or interim
4 caretaker and determines that those individuals do not have any arrests or
5 convictions that are likely to adversely affect the child or the ability of the guardian
6 or interim caretaker to care for the child.

7 3. In the case of an interim caretaker, the interim caretaker cooperates with
8 the county department or department in finding a permanent placement for the
9 child.

10 (d) The department shall request from the secretary of the federal department
11 of health and human services a waiver of the requirements under 42 USC 670 to 679a
12 that would authorize the state to receive federal foster care and adoption assistance
13 reimbursement under 42 USC 670 to 679a for the costs of providing care for a child
14 who is in the care of a guardian who was licensed as the child's foster parent or
15 treatment foster parent before the guardianship appointment and who has entered
16 into a subsidized guardianship agreement with the county department or
17 department. If the waiver is approved for a county having a population of 500,000
18 or more, the department shall provide the monthly payments under par. (a) from the
19 appropriations under s. 20.435 (3) (cx), (gx), (kw), and (mx). If the waiver is approved
20 for any other county, the department shall determine which counties are authorized
21 to provide monthly payments under par. (a) or (b), and the county departments of
22 those counties shall provide those payments from moneys received under s. 46.495
23 (1) (d).

24 (e) The amount of a monthly payment under par. (a) or (b) for the care of a child
25 shall equal the amount received under sub. (4) by the guardian of the child for the

1 month immediately preceding the month in which the guardianship order was
2 granted. A guardian or an interim caretaker who receives a monthly payment under
3 par. (a) or (b) is not eligible to receive a payment under sub. (4) or s. 48.57 (3m) or (3n).

4 **SECTION 38.** 48.975 (3) (a) 1. of the statutes is amended to read:

5 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
6 in foster care ~~or~~, treatment foster care, or subsidized guardianship care immediately
7 prior to placement for adoption, the initial amount of adoption assistance for
8 maintenance shall be equivalent to the amount of that child's foster care ~~or~~,
9 treatment foster care, or subsidized guardianship care payment at the time that the
10 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed
11 adoptive parents and specified in that agreement.

12 **SECTION 39.** 48.975 (3) (a) 2. of the statutes is amended to read:

13 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
14 care ~~or~~, treatment foster care, or subsidized guardianship care immediately prior to
15 placement for adoption, the initial amount of adoption assistance for maintenance
16 shall be equivalent to the uniform foster care rate in effect at the time that the
17 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed
18 adoptive parents and specified in that agreement.

19 **SECTION 40.** 48.975 (4) (a) of the statutes is amended to read:

20 48.975 (4) (a) Except in extenuating circumstances, as defined by the
21 department by rule promulgated under sub. (5) (a), a written agreement to provide
22 adoption assistance shall be made prior to adoption. An agreement to provide
23 adoption assistance may be made only for a child who, at the time of placement for
24 adoption, is in the guardianship of the department or other agency authorized to

1 place children for adoption or, in the guardianship of an American Indian tribal
2 agency in this state, or in a subsidized guardianship under s. 48.62 (5).

3 **SECTION 41.** 48.977 (title) of the statutes is amended to read:

4 **48.977 (title) Appointment of relatives as guardians for certain**
5 **children in need of protection or services.**

6 **SECTION 42.** 48.977 (1) of the statutes is repealed.

7 **SECTION 43.** 48.977 (2) (intro.) of the statutes is amended to read:

8 48.977 (2) TYPE OF GUARDIANSHIP. (intro.) This section may be used for the
9 appointment of a ~~relative of a child as a~~ guardian of the person for ~~the~~ a child if the
10 court finds all of the following:

11 **SECTION 44.** 48.977 (2) (a) of the statutes is amended to read:

12 48.977 (2) (a) That the child has been adjudged to be in need of protection or
13 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or
14 938.13 (4) and been placed, or continued in a placement, outside of his or her home
15 pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,
16 938.345, 938.357, 938.363, or 938.365 ~~for a cumulative total period of one year or~~
17 longer or that the child has been so adjudged and placement of the child in the home
18 of a guardian under this section has been recommended under s. 48.33 (1) or 938.33
19 (1).

20 **SECTION 45.** 48.977 (2) (b) of the statutes is amended to read:

21 48.977 (2) (b) That the person nominated as the guardian of the child is a
22 relative of the child person with whom the child has been placed or in whose home
23 placement of the child is recommended under par. (a) and that it is likely that the
24 child will continue to be placed with that relative person for an extended period of
25 time or until the child attains the age of 18 years.

1 **SECTION 46.** 48.977 (2) (c) of the statutes is amended to read:

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

5 **SECTION 47.** 48.977 (2) (f) of the statutes is amended to read:

6 48.977 (2) (f) That the agency primarily responsible for providing services to
7 the child under a court order has made reasonable efforts to make it possible for the
8 child to return to his or her home, while assuring that the child’s health and safety
9 are the paramount concerns, but that reunification of the child with the child’s
10 parent or parents is unlikely or contrary to the best interests of the child and that
11 further reunification efforts are unlikely to be made or are contrary to the best
12 interests of the child or that the agency primarily responsible for providing services
13 to the child under a court order has made reasonable efforts to prevent the removal
14 of the child from his or her home, while assuring the child’s health and safety, but that
15 continued placement of the child in the home would be contrary to the welfare of the
16 child, except that the court is not required to find that the agency has made those
17 reasonable efforts with respect to a parent of the child if any of the circumstances
18 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the
19 findings specified in this paragraph on a case-by-case basis based on circumstances
20 specific to the child and shall document or reference the specific information on
21 which those findings are based in the guardianship order. A guardianship order that
22 merely references this paragraph without documenting or referencing that specific
23 information in the order or an amended guardianship order that retroactively
24 corrects an earlier guardianship order that does not comply with this paragraph is
25 not sufficient to comply with this paragraph.

1 **SECTION 48.** 48.977 (3r) of the statutes is created to read:

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

13 **SECTION 49.** 48.977 (4) (a) 4. of the statutes is amended to read:

14 48.977 (4) (a) 4. The ~~relative person~~ person with whom the child is placed or in whose
15 home placement of the child is recommended as described in sub. (2) (a), if the
16 relative person is nominated as the guardian of the child in the petition.

17 **SECTION 50.** 48.977 (4) (a) 6. of the statutes is amended to read:

18 48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has
19 been placed pursuant to an order under ch. 938 or the child's placement with the
20 guardian is recommended under ch. 938, a county department under s. 46.215, 46.22,
21 or 46.23.

22 **SECTION 51.** 48.977 (4) (b) 3. of the statutes is amended to read:

23 48.977 (4) (b) 3. The date on which the child was adjudged in need of protection
24 or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m)
25 or 938.13 (4) and the dates ~~that~~ on which the child has been placed, or continued in

1 a placement, outside of his or her home pursuant to one or more court orders under
2 s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child
3 has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or
4 938.33 (1) in which placement of the child in the home of the person is recommended.

5 **SECTION 52.** 48.977 (4) (c) 1. g. of the statutes is amended to read:

6 48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose
7 home placement of the child is recommended as described in sub. (2) (a), if the
8 relative person is nominated as the guardian of the child in the petition.

9 **SECTION 53.** 48.977 (4) (e) of the statutes is amended to read:

10 48.977 (4) (e) *Court report.* The For a child who has been placed, or continued
11 in a placement, outside of his or her home for 6 months or longer, the court shall order
12 the person or agency primarily responsible for providing services to the child under
13 a court order to file with the court a report containing the written summary under
14 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
15 as is reasonably ascertainable. For a child who has been placed, or continued in a
16 placement, outside of his or her home for less than 6 months, the court shall order
17 the person or agency primarily responsible for providing services to the child under
18 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
19 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,
20 and as much information relating to the appointment of a guardian as is reasonably
21 ascertainable. The agency shall file the report at least 48 hours before the date of
22 the dispositional hearing under par. (fm).

23 **SECTION 54.** 48.977 (4) (g) 1. of the statutes is amended to read:

24 48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of
25 the child.

1 **SECTION 55.** 48.977 (4) (g) 2. of the statutes is amended to read:

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

5 **SECTION 56.** 48.977 (4) (h) 1. of the statutes is amended to read:

6 48.977 (4) (h) 1. A disposition dismissing the petition if the court determines
7 that appointment of the relative person as the child's guardian is not in the best
8 interests of the child.

9 **SECTION 57.** 48.977 (4) (h) 2. of the statutes is amended to read:

10 48.977 (4) (h) 2. A disposition ordering that the relative person with whom the
11 child has been placed or in whose home placement of the child is recommended as
12 described in sub. (2) (a) be appointed as the child's guardian under sub. (5) (a) or
13 limited guardian under sub. (5) (b), if the court determines that such an appointment
14 is in the best interests of the child.

15 **SECTION 58.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

16 49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years
17 and the individual resides with his or her custodial parent or with a kinship care
18 relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57
19 (3n) or is in a foster home or treatment foster home licensed under s. 48.62, a
20 subsidized guardianship home under s. 48.62 (5), a group home, or an independent
21 living arrangement supervised by an adult.

22 **SECTION 59.** 49.155 (1m) (bm) of the statutes is amended to read:

23 49.155 (1m) (bm) If the individual is providing care for a child under a court
24 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
25 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child

1 care is needed for that child, the individual meets the requirement under s. 49.145
2 (2) (c).

3 **SECTION 60.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

4 49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized
5 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or
6 adoptive family has a gross income that is at or below 200% of the poverty line. In
7 calculating the gross income of the child's biological or adoptive family, the Wisconsin
8 works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

9 **SECTION 61.** 49.46 (1) (a) 5. of the statutes is amended to read:

10 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care,
11 long-term kinship care ~~or~~, treatment foster care, or subsidized guardianship
12 placement under ch. 48 or 938, as determined by the department.

13 **SECTION 62.** 767.078 (1) (a) 2. of the statutes is amended to read:

14 767.078 (1) (a) 2. The child's right to support is assigned to the state under s.
15 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b.

16 **SECTION 63.** 767.29 (1m) (c) of the statutes is amended to read:

17 767.29 (1m) (c) The party entitled to the support or maintenance money or a
18 minor child of the party has applied for or is receiving ~~aid to families with dependent~~
19 ~~children~~ aid under s. 46.261 or public assistance under ch. 49 and there is an
20 assignment to the state under s. 46.261 (3) or 49.19 (4) (h) 1. b. of the party's right
21 to the support or maintenance money.

22 **SECTION 64.** 767.29 (2) of the statutes is amended to read:

23 767.29 (2) If any party entitled to maintenance payments or support money,
24 or both, is receiving public assistance under ch. 49, the party may assign the party's
25 right thereto to the county department under s. 46.215, 46.22, or 46.23 granting such

1 assistance. Such assignment shall be approved by order of the court granting the
2 maintenance payments or support money, and may be terminated in like manner;
3 except that it shall not be terminated in cases where there is any delinquency in the
4 amount of maintenance payments and support money previously ordered or
5 adjudged to be paid to the assignee without the written consent of the assignee or
6 upon notice to the assignee and hearing. When an assignment of maintenance
7 payments or support money, or both, has been approved by the order, the assignee
8 shall be deemed a real party in interest within s. 803.01 but solely for the purpose
9 of securing payment of unpaid maintenance payments or support money adjudged
10 or ordered to be paid, by participating in proceedings to secure the payment thereof.
11 Notwithstanding assignment under this subsection, and without further order of the
12 court, the department or its designee, upon receiving notice that a party or a minor
13 child of the parties is receiving aid under s. 46.261 or public assistance under ch. 49
14 or that a kinship care relative or long-term kinship care relative of the minor child
15 is receiving kinship care payments or long-term kinship care payments for the minor
16 child, shall forward all support assigned under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n)
17 (b) 2., 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 46.261 (3), 48.57 (3m) (b)
18 2. or (3n) (b) 2., 49.19 (4) (h) 1., or 49.45 (19).

19 **SECTION 65.** 767.29 (4) of the statutes is amended to read:

20 767.29 (4) If an order or judgment providing for the support of one or more
21 children not receiving aid under s. 46.261, 48.57 (3m) or (3n), or 49.19 includes
22 support for a minor who is the beneficiary of aid under s. 46.261, 48.57 (3m) or (3n),
23 or 49.19, any support payment made under the order or judgment is assigned to the
24 state under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b. in the
25 amount that is the proportionate share of the minor receiving aid under s. 46.261,

1 48.57 (3m) or (3n), or 49.19, except as otherwise ordered by the court on the motion
2 of a party.

3 **SECTION 66.** 938.33 (4) (intro.) of the statutes is amended to read:

4 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
5 placement in a foster home, treatment foster home, group home, or nonsecured
6 residential care center for children and youth ~~or~~, in the home of a relative other than
7 a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except
8 that the report may be presented orally at the dispositional hearing if all parties
9 consent. A report that is presented orally shall be transcribed and made a part of the
10 court record. The report shall include all of the following:

11 **SECTION 67.** 938.345 (4) of the statutes is created to read:

12 938.345 (4) If the court finds that a juvenile is in need of protection or services
13 under s. 938.13 (4), the court, instead of or in addition to any other disposition
14 imposed under sub. (1), may place the juvenile in the home of a guardian under s.
15 48.977 (2).

16 **SECTION 68.** 938.57 (1) (c) of the statutes is amended to read:

17 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
18 care, including providing services for juveniles and their families in their own homes,
19 placing the juveniles in licensed foster homes, licensed treatment foster homes, or
20 licensed group homes in this state or another state within a reasonable proximity to
21 the agency with legal custody, placing the juveniles in the homes of guardians under
22 s. 48.977 (2), or contracting for services for them by licensed child welfare agencies
23 or replacing them in secured correctional facilities, secured child caring institutions,
24 or secured group homes in accordance with rules promulgated under ch. 227, except
25 that the county department may not purchase the educational component of private

1 day treatment programs unless the county department, the school board, as defined
2 in s. 115.001 (7), and the state superintendent of public instruction all determine that
3 an appropriate public education program is not available. Disputes between the
4 county department and the school district shall be resolved by the state
5 superintendent of public instruction.

6 **SECTION 69.** 938.57 (3) (a) 4. of the statutes is amended to read:

7 938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
8 ~~or~~, residential care center for children and youth, or subsidized guardianship home
9 under s. 48.62 (5).

10 **SECTION 9121. Nonstatutory provisions; health and family services.**

11 (1) RELATIVE GUARDIANSHIPS. Notwithstanding section 48.977 (2) (a), 2003
12 stats., a petition under section 48.977 (4) of the statutes, as affected by this act, may
13 be filed for the appointment of a relative as the guardian of the person of a child who
14 has been placed, or continued in a placement, outside of his or her home for less than
15 one year on the effective date of this subsection.

16 ~~**SECTION 9421. Effective dates; health and family services.**~~

17 ~~(1) SUBSIDIZED GUARDIANSHIPS. The repeal and recreation of sections 20.435 (7)~~
18 ~~(b) and 46.495 (1) (d) of the statutes takes effect on January 1, 2006.~~

19 (END)

↓
NOTE

Insert 5-3

~~NOTE~~ NOTE: This is recorded S. 20.435(7)(b) ✓

This section has been affected by drafts with the

following LRB #'s: LRB-0084/2 and LRB-0746/3

(add-t) ✓

Insert 10 - 8

~~***~~ NOTE: This is reconciled \checkmark s. 46.495(1)(d) \checkmark

This section has been affected by drafts with the
= following LRB #s: LRB-0084/2 \checkmark , LRB-0293/1 \checkmark , and
LRB-0746/3 \checkmark .

(ed & r)

GMM:mk:

(date)

0295/
LRB

DRAFT

Dennis Rhodes and Robert Blaine;

This draft reconciles LRB-0084 /2 and LRB-0746 /3.

LRB-0295

Both LRB-0084, A and LRB-0746 ↑

NOT (all) should continue to appear in the compiled
should continue to appear in the compiled

bill.

GMM

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0084/3dn
GMM:lmk:jf

January 26, 2005

Dennis Rhodes and Robert Blaine:

This draft reconciles LRB-0084/2, LRB-0295/1, and LRB-0746/3. LRB-0084, LRB-0295, and LRB-0746 should all continue to appear in the compiled bill.

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State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0084/3
GMM:wlj:jf

DOA:.....Rhodes - BB0086 Subsidized Guardianship Program

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the appointment of a guardian for certain children in need
2 of protection or services, the payment of subsidized guardianship payments to
3 a guardian of a child who meets certain requirements, and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) may appoint a relative of a child as the guardian of the child if the juvenile court makes certain findings, including a finding that the child has been adjudged to be in need of protection or services and has been placed outside of his or her home pursuant to an order of the juvenile court for one year or longer.

This bill permits any person, not just a relative, to be appointed as the guardian of a child who has been adjudged to be in need of protection or services. The bill also eliminates that one-year waiting period and permits a child who has been adjudged to be in need of protection or services or whose parents' parental rights to the child have been terminated to be placed directly in the home of a guardian without first having been placed in another out-of-home placement. In addition, the bill permits

the parental rights of a parent of a child in need of protection or services for whom a guardian has been appointed to be terminated on the grounds of abandonment if, when the juvenile court appointed the guardian, the juvenile court provided the parent with notice of any ground for termination of parental rights that may be applicable and of the conditions necessary for the child to be returned home and the parent has failed to visit or communicate with the child for a period of three months or longer.

Currently, a relative who is appointed as the guardian of a child in need of protection or services and who meets certain other requirements is eligible to receive long-term kinship care payments in the amount of \$215 per month for providing care and maintenance for the child. This bill permits a county department of human services or social services (county department) or, in Milwaukee County, DHFS to provide monthly subsidized guardianship payments to a person who is appointed as the guardian for a child in need of protection of services; was the licensed foster parent or treatment foster parent of the child before that appointment; has passed a home inspection and criminal background investigation; and has entered into a subsidized guardianship agreement with the county department or DHFS. The bill also permits a county department or DHFS to provide monthly subsidized guardianship payments for a period of up to 12 months to an interim caretaker who has passed a home inspection and criminal background investigation on the death, incapacity, resignation, or removal of the subsidized guardian.

A county department or DHFS may provide the monthly subsidized guardianship payments to the person if the child has been placed outside the home for a cumulative total period of one year or longer; the juvenile court has found that reunification of the child with the child's parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child; and the juvenile court has found that appointment of a guardian is in the best interests of the child. A county department or DHFS may also provide monthly subsidized guardianship payments if the child does not meet any of those conditions, but DHFS has determined that appointing a guardian for the child and providing subsidized guardianship payments to the guardian are in the best interests of the child and the juvenile court has confirmed that determination.

Under the bill, the amount of a monthly subsidized guardianship payment is equal to the amount of the monthly foster care or treatment foster care payment received by the guardian immediately before the guardianship order was granted. In addition, a subsidized guardian is eligible for a child care subsidy under the Wisconsin Works Program in the same manner as a foster parent is so eligible, and a subsidized guardian who adopts the child is eligible for adoption assistance in the same manner as a foster parent who adopts the child is so eligible. Also, a child who is in the care of a subsidized guardian is eligible for Medical Assistance in the same manner as a child in foster care is so eligible.

The bill also requires DHFS to request from the secretary of the federal Department of Health and Human Services a waiver of the requirements under Title IV-E of the federal Social Security Act that would authorize the state to receive

federal foster care and adoption assistance reimbursement for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent or treatment foster parent before the guardianship appointment, and who has entered into a subsidized guardianship agreement. If the waiver is approved for Milwaukee County, the bill requires DHFS to provide the monthly subsidized guardianship payments. If the waiver is approved for any other county, the bill requires DHFS to determine which counties are authorized to provide subsidized guardianship payments and requires those authorized counties to provide those payments.

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

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

1 **SECTION 1.** 20.435 (7) (b) of the statutes is amended to read:

2 20.435 (7) (b) *Community aids and Medical Assistance payments.* The
3 amounts in the schedule for human services under s. 46.40, to fund services provided
4 by resource centers under s. 46.283 (5), for services under the family care benefit
5 under s. 46.284 (5), for reimbursement to counties having a population of less than
6 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter
7 care under ss. 48.58 and 938.22, for foster care ~~and~~, treatment foster care, and
8 subsidized guardianship care under s. ss. 46.261 and 49.19 (10), for Medical
9 Assistance payment adjustments under s. 49.45 (52), and for Medical Assistance
10 payments under s. 49.45 (6tw) and (53), ~~and for payments under SECTION 25 (3).~~
11 Social services disbursements under s. 46.03 (20) (b) may be made from this
12 appropriation. Refunds received relating to payments made under s. 46.03 (20) (b)
13 for the provision of services for which moneys are appropriated under this paragraph
14 shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and
15 20.002 (1), the department of health and family services may transfer funds between
16 fiscal years under this paragraph. The department shall deposit into this

1 appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior
2 year audit adjustments including those resulting from audits of services under s.
3 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward
4 under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all
5 funds allocated under s. 46.40 and not spent or encumbered by December 31 of each
6 year shall lapse to the general fund on the succeeding January 1 unless carried
7 forward to the next calendar year by the joint committee on finance.

****NOTE: This is reconciled s. 20.435 (7) (b). This SECTION has been affected by
drafts with the following LRB #s: 0084/2 and LRB-0746/3.

8 **SECTION 2.** 46.10 (14) (a) of the statutes is amended to read:

9 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person
10 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
11 under 18 years of age at community mental health centers, a county mental health
12 complex under s. 51.08, the centers for the developmentally disabled, the Mendota
13 Mental Health Institute, and the Winnebago Mental Health Institute or care and
14 maintenance of persons under 18 years of age in residential, nonmedical facilities
15 such as group homes, foster homes, treatment foster homes, ~~child-caring institutions,~~
16 subsidized guardianship homes, residential care centers for children and youth, and
17 juvenile correctional institutions is determined in accordance with the cost-based
18 fee established under s. 46.03 (18). The department shall bill the liable person up
19 to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
20 3rd-party benefits, subject to rules that include formulas governing ability to pay
21 promulgated by the department under s. 46.03 (18). Any liability of the patient not
22 payable by any other person terminates when the patient reaches age 18, unless the
23 liable person has prevented payment by any act or omission.

1 **SECTION 3.** 46.10 (14) (b) of the statutes is amended to read:

2 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
3 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
4 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
5 in a residential, nonmedical facility such as a group home, foster home, treatment
6 foster home, subsidized guardianship home, or residential care center for children
7 and youth shall be determined by the court by using the percentage standard
8 established by the department of workforce development under s. 49.22 (9) and by
9 applying the percentage standard in the manner established by the department
10 under s. 46.247.

11 **SECTION 4.** 46.261 (1) (a) of the statutes is amended to read:

12 46.261 (1) (a) The child is living in a foster home or treatment foster home
13 licensed under s. 48.62 if a license is required under that section, in a foster home
14 or treatment foster home located within the boundaries of a federally recognized
15 American Indian reservation in this state and licensed by the tribal governing body
16 of the reservation, in a group home licensed under s. 48.625, in a subsidized
17 guardianship home under s. 48.62 (5), or in a residential care center for children and
18 youth licensed under s. 48.60, and has been placed in the foster home, treatment
19 foster home, group home, subsidized guardianship home, or center by a county
20 department under s. 46.215, 46.22, or 46.23, by the department, or by a federally
21 recognized American Indian tribal governing body in this state under an agreement
22 with a county department under s. 46.215, 46.22, or 46.23.

23 **SECTION 5.** 46.261 (2) (a) 1. of the statutes is amended to read:

24 46.261 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
25 home or treatment foster home having a license under s. 48.62, in a foster home or

1 treatment foster home located within the boundaries of a federally recognized
2 American Indian reservation in this state and licensed by the tribal governing body
3 of the reservation or in a group home licensed under s. 48.625, a subsidized guardian
4 or interim caretaker under s. 48.62 (5) who cares for the dependent child, or a minor
5 custodial parent who cares for the dependent child, regardless of the cause or
6 prospective period of dependency. The state shall reimburse counties pursuant to the
7 procedure under s. 46.495 (2) and the percentage rate of participation set forth in s.
8 46.495 (1) (d) for aid granted under this section except that if the child does not have
9 legal settlement in the granting county, state reimbursement shall be at 100%. The
10 county department under s. 46.215 or 46.22 or the department under s. 48.48 (17)
11 shall determine the legal settlement of the child. A child under one year of age shall
12 be eligible for aid under this subsection irrespective of any other residence
13 requirement for eligibility within this section.

14 **SECTION 6.** 46.261 (2) (a) 3. of the statutes is amended to read:

15 46.261 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
16 the department, when the child is placed in a licensed foster home, treatment foster
17 home, group home, or residential care center for children and youth or in a subsidized
18 guardianship home by a licensed child welfare agency or by a federally recognized
19 American Indian tribal governing body in this state or by its designee, if the child is
20 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
21 department under s. 48.48 (17) or if the child was removed from the home of a
22 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
23 continuance in the home of the relative would be contrary to the child's welfare for
24 any reason and the placement is made pursuant to an agreement with the county
25 department or the department.

1 **SECTION 7.** 46.261 (2) (a) 4. of the statutes is amended to read:

2 46.261 (2) (a) 4. A licensed foster home, treatment foster home, group home,
3 or residential care center for children and youth or a subsidized guardianship home
4 when the child is in the custody or guardianship of the state, when the child is a ward
5 of an American Indian tribal court in this state and the placement is made under an
6 agreement between the department and the tribal governing body, or when the child
7 was part of the state's direct service case load and was removed from the home of a
8 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
9 continuance in the home of a relative would be contrary to the child's welfare for any
10 reason and the child is placed by the department.

11 **SECTION 8.** 46.261 (2) (b) of the statutes is amended to read:

12 46.261 (2) (b) Notwithstanding par. (a), aid under this section may not be
13 granted for placement of a child in a foster home or treatment foster home licensed
14 by a federally recognized American Indian tribal governing body, for placement of a
15 child in a foster home, treatment foster home, group home, subsidized guardianship
16 home, or residential care center for children and youth by a tribal governing body or
17 its designee, or for the placement of a child who is a ward of a tribal court if the tribal
18 governing body is receiving or is eligible to receive funds from the federal government
19 for that type of placement ~~or for placement of a child in a group home licensed under~~
20 ~~s. 48.625.~~

21 **SECTION 9.** 46.495 (1) (d) of the statutes is amended to read:

22 46.495 (1) (d) From the appropriations under s. 20.435 ~~(3) (e) and~~ (7) (b) and
23 (o), the department shall distribute the funding for social services, including funding
24 for foster care ~~or, treatment foster care,~~ or subsidized guardianship care of a child on
25 whose behalf aid is received under s. 46.261, to county departments under ss. 46.215,

1 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for
2 the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for
3 the distribution under s. 46.40 (2) shall be specified in a schedule established
4 annually by the department of health and family services. Each county's required
5 match for the distribution under s. 46.40 (8) for a year equals 9.89% of the total of
6 the county's distributions under s. 46.40 (8) for that year for which matching funds
7 are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats.,
8 to spend for juvenile delinquency-related services from its distribution for 1987.
9 Each county's required match for the distribution under s. 46.40 (9) (b) for a year
10 equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for that
11 year. Matching funds may be from county tax levies, federal and state revenue
12 sharing funds, or private donations to the county that meet the requirements
13 specified in s. 51.423 (5). Private donations may not exceed 25% of the total county
14 match. If the county match is less than the amount required to generate the full
15 amount of state and federal funds distributed for this period, the decrease in the
16 amount of state and federal funds equals the difference between the required and the
17 actual amount of county matching funds.

****NOTE: This is reconciled s. 46.495 (1) (d). This SECTION has been affected by
drafts with the following LRB #: LRB-0084/2, LRB-0295/1, and LRB-0746/3.

18 **SECTION 10.** 46.51 (4) of the statutes is amended to read:

19 46.51 (4) A county may use the funds distributed under this section to fund
20 additional foster parents ~~and~~, treatment foster parents, and subsidized guardians
21 or interim caretakers to care for abused and neglected children and to fund
22 additional staff positions to provide services related to child abuse and neglect and
23 to unborn child abuse.

1 **SECTION 11.** 48.33 (4) (intro.) of the statutes is amended to read:

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

8 **SECTION 12.** 48.345 (3) (c) of the statutes is amended to read:

9 48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62
10 ~~or~~, a group home licensed under s. 48.625, or in the home of a guardian under s.
11 48.977 (2).

12 **SECTION 13.** 48.356 (1) of the statutes is amended to read:

13 48.356 (1) Whenever the court orders a child to be placed outside his or her
14 home, orders an expectant mother of an unborn child to be placed outside of her
15 home, or denies a parent visitation because the child or unborn child has been
16 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,
17 48.363, or 48.365 or whenever the court appoints a guardian for a child under s.
18 48.977 (2), the court shall orally inform the parent or parents who appear in court
19 or the expectant mother who appears in court of any grounds for termination of
20 parental rights under s. 48.415 ~~which~~ that may be applicable and of the conditions
21 necessary for the child or expectant mother to be returned to the home or for the
22 parent to be granted visitation.

23 **SECTION 14.** 48.425 (1) (g) of the statutes is amended to read:

24 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.
25 determines that it is unlikely that the child will be adopted, or if adoption would not

1 be in the best interests of the child, the report shall include a plan for placing the child
2 in a permanent family setting. The plan shall include a recommendation as to the
3 agency to be named guardian of the child ~~or~~, a recommendation that the person
4 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian
5 of the child, or a recommendation that a guardian be appointed for the child under
6 s. 48.977 (2).

7 **SECTION 15.** 48.427 (3m) (intro.) of the statutes is amended to read:

8 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are
9 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,
10 the court shall either do one of the following:

11 **SECTION 16.** 48.427 (3m) (c) of the statutes is created to read:

12 48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship
13 and custody of the child to the guardian.

14 **SECTION 17.** 48.427 (3p) of the statutes is amended to read:

15 48.427 (3p) If the rights of both parents or of the only living parent are
16 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the
17 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters
18 an order under this subsection, the court shall terminate the guardianship under s.
19 48.977.

20 **SECTION 18.** 48.48 (17) (a) 3. of the statutes is amended to read:

21 48.48 (17) (a) 3. Provide appropriate protection and services for children and
22 the expectant mothers of unborn children in its care, including providing services for
23 those children and their families and for those expectant mothers in their own
24 homes, placing the children in licensed foster homes, treatment foster homes, or
25 group homes in this state or another state within a reasonable proximity to the

1 agency with legal custody, placing the children in the homes of guardians under s.
2 48.977 (2), or contracting for services for those children by licensed child welfare
3 agencies, except that the department may not purchase the educational component
4 of private day treatment programs unless the department, the school board, as
5 defined in s. 115.001 (7), and the state superintendent of public instruction all
6 determine that an appropriate public education program is not available. Disputes
7 between the department and the school district shall be resolved by the state
8 superintendent of public instruction.

9 **SECTION 19.** 48.48 (17) (c) 4. of the statutes is amended to read:

10 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,
11 ~~or~~, residential care center for children and youth, or subsidized guardianship home
12 under s. 48.62 (5).

13 **SECTION 20.** 48.57 (1) (c) of the statutes is amended to read:

14 48.57 (1) (c) To provide appropriate protection and services for children and the
15 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 those 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 those children in the homes of guardians under
20 s. 48.977 (2), or contracting for services for those children by licensed child welfare
21 agencies, except that the county department may not purchase the educational
22 component of private day treatment programs unless the county department, the
23 school board, as defined in s. 115.001 (7), and the state superintendent of public
24 instruction all determine that an appropriate public education program is not

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

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

4 48.57 (3) (a) 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 22.** 48.57 (3m) (cm) of the statutes is amended to read:

8 48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)
9 for providing care and maintenance for a child is not eligible to receive a payment
10 under sub. (3n) or s. 48.62 (4) or (5) for that child.

11 **SECTION 23.** 48.57 (3n) (cm) of the statutes is amended to read:

12 48.57 (3n) (cm) A long-term kinship care relative who receives a payment
13 under par. (am) for providing care and maintenance for a child is not eligible to
14 receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

15 **SECTION 24.** 48.57 (3p) (a) of the statutes is amended to read:

16 48.57 (3p) (a) In this subsection, “adult resident” means a person 18 years of
17 age or over who lives at the home of a person who has applied for or is receiving
18 payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b) with the intent of making
19 that home his or her home or who lives for more than 30 days cumulative in any
20 6-month period at the home of a person who has applied for or is receiving payments
21 under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b).

22 **SECTION 25.** 48.57 (3p) (b) 1. of the statutes is amended to read:

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

1 the assistance of the department of justice, shall conduct a background investigation
2 of the applicant.

3 **SECTION 26.** 48.57 (3p) (b) 3. of the statutes is amended to read:

4 48.57 (3p) (b) 3. The county department or, in a county having a population of
5 500,000 or more, the department of health and family services, with the assistance
6 of the department of justice, may conduct a background investigation of any person
7 who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that
8 the county department or department of health and family services considers to be
9 appropriate.

10 **SECTION 27.** 48.57 (3p) (c) 1. of the statutes is amended to read:

11 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)
12 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
13 population of 500,000 or more, the department of health and family services, with
14 the assistance of the department of justice, shall, in addition to the investigation
15 under par. (b) 1., conduct a background investigation of all employees and
16 prospective employees of the applicant who have or would have regular contact with
17 the child for whom those payments are being made and of each adult resident.

18 **SECTION 28.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

19 48.57 (3p) (c) 2m. The county department or, in a county having a population
20 of 500,000 or more, the department of health and family services, with the assistance
21 of the department of justice, may conduct a background investigation of any of the
22 employees or prospective employees of any person who is receiving payments under
23 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child
24 for whom payments are being made and of each adult resident at any time that the

1 county department or department of health and family services considers to be
2 appropriate.

3 **SECTION 29.** 48.57 (3p) (c) 3. of the statutes is amended to read:

4 48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or
5 (3n) or s. 48.62 (5) (a) or (b) may employ any person in a position in which that person
6 would have regular contact with the child for whom those payments are being made
7 or permit any person to be an adult resident, the county department or, in a county
8 having a population of 500,000 or more, the department of health and family
9 services, with the assistance of the department of justice, shall conduct a background
10 investigation of the prospective employee or prospective adult resident unless that
11 person has already been investigated under subd. 1., 2. or 2m.

12 **SECTION 30.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

13 48.57 (3p) (fm) 1m. The county department or, in a county having a population
14 of 500,000 or more, the department of health and family services may not enter into
15 the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b)
16 unless the county department or department of health and family services receives
17 information from the department of justice relating to the conviction record of the
18 applicant under the law of this state and that record indicates either that the
19 applicant has not been arrested or convicted or that the applicant has been arrested
20 or convicted but the director of the county department or, in a county having a
21 population of 500,000 or more, the person designated by the secretary of health and
22 family services to review conviction records under this subdivision determines that
23 the conviction record is satisfactory because it does not include any arrest or
24 conviction that the director or person designated by the secretary determines is
25 likely to adversely affect the child or the ~~long-term kinship care relative's~~ applicant's

1 ability to care for the child. The county department or, in a county having a
2 population of 500,000 or more, the department of health and family services may
3 make payments under sub. (3n) or s. 48.62 (5) (a) or (b) conditioned on the receipt of
4 information from the federal bureau of investigation indicating that the person's
5 conviction record under the law of any other state or under federal law is satisfactory
6 because the conviction record does not include any arrest or conviction that the
7 director of the county department or, in a county having a population of 500,000 or
8 more, the person designated by the secretary of health and family services to review
9 conviction records under this subdivision determines is likely to adversely affect the
10 child or the ~~long-term kinship care relative's~~ applicant's ability to care for the child.

11 **SECTION 31.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

12 48.57 **(3p)** (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)
13 (a) or (b) may provisionally employ a person in a position in which that person would
14 have regular contact with the child for whom those payments are being made or
15 provisionally permit a person to be an adult resident if the person receiving those
16 payments states to the county department or, in a county having a population of
17 500,000 or more, the department of health and family services that, to the best of his
18 or her knowledge, the employee or adult resident does not have any arrests or
19 convictions that could adversely affect the child or the ability of the person receiving
20 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62
21 (5) (a) or (b) may not finally employ a person in a position in which that person would
22 have regular contact with the child for whom those payments are being made or
23 finally permit a person to be an adult resident until the county department or, in a
24 county having a population of 500,000 or more, the department of health and family
25 services receives information from the department of justice relating to the person's

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

24 **SECTION 32.** 48.57 (3p) (hm) of the statutes is amended to read:

1 48.57 **(3p)** (hm) A county department or, in a county having a population of
2 500,000 or more, the department may not make payments to a person under sub. (3n)
3 or s. 48.62 (5) (a) or (b) and a person receiving payments under sub. (3n) or s. 48.62
4 (5) (a) or (b) may not employ a person in a position in which that person would have
5 regular contact with the child for whom payments are being made or permit a person
6 to be an adult resident if the director of the county department or, in a county having
7 a population of 500,000 or more, the person designated by the secretary to review
8 conviction records under this paragraph determines that the person has any arrest
9 or conviction that is likely to adversely affect the child or the ~~long-term kinship care~~
10 relative's person's ability to care for the child.

11 **SECTION 33.** 48.61 (3) of the statutes is amended to read:

12 48.61 **(3)** To provide appropriate care and training for children in its legal or
13 physical custody and, if licensed to do so, to place children in licensed foster homes,
14 licensed treatment foster homes, and licensed group homes and in the homes of
15 guardians under s. 48.977 (2).

16 **SECTION 34.** 48.615 (1) (b) of the statutes is amended to read:

17 48.615 **(1)** (b) Before the department may issue a license under s. 48.60 (1) to
18 a child welfare agency that places children in licensed foster homes, licensed
19 treatment foster homes, and licensed group homes and in the homes of guardians
20 under s. 48.977 (2), the child welfare agency must pay to the department a biennial
21 fee of \$254.10.

22 **SECTION 35.** 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

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

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

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 36.** 48.975 (3) (a) 1. of the statutes is amended to read:

16 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
17 in foster care ~~or, treatment foster care, or subsidized guardianship care~~ immediately
18 prior to placement for adoption, the initial amount of adoption assistance for
19 maintenance shall be equivalent to the amount of that child's foster care ~~or,~~
20 treatment foster care, or subsidized guardianship care payment 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 37.** 48.975 (3) (a) 2. of the statutes is amended to read:

24 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
25 care ~~or, treatment foster care, or subsidized guardianship care~~ immediately prior to

1 placement for adoption, the initial amount of adoption assistance for maintenance
2 shall be equivalent to the uniform foster care rate in effect at the time that the
3 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed
4 adoptive parents and specified in that agreement.

5 **SECTION 38.** 48.975 (4) (a) of the statutes is amended to read:

6 48.975 (4) (a) Except in extenuating circumstances, as defined by the
7 department by rule promulgated under sub. (5) (a), a written agreement to provide
8 adoption assistance shall be made prior to adoption. An agreement to provide
9 adoption assistance may be made only for a child who, at the time of placement for
10 adoption, is in the guardianship of the department or other agency authorized to
11 place children for adoption or, in the guardianship of an American Indian tribal
12 agency in this state, or in a subsidized guardianship under s. 48.62 (5).

13 **SECTION 39.** 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 40.** 48.977 (1) of the statutes is repealed.

17 **SECTION 41.** 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 42.** 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,

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 43.** 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 44.** 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 45.** 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

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 46.** 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 47.** 48.977 (4) (a) 4. of the statutes is amended to read:

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 48.** 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 49.** 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 50.** 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 51.** 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

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 52. 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 53. 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 54. 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 55. 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

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 56.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

4 49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years
5 and the individual resides with his or her custodial parent or with a kinship care
6 relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57
7 (3n) or is in a foster home or treatment foster home licensed under s. 48.62, a
8 subsidized guardianship home under s. 48.62 (5), a group home, or an independent
9 living arrangement supervised by an adult.

10 **SECTION 57.** 49.155 (1m) (bm) of the statutes is amended to read:

11 49.155 (1m) (bm) If the individual is providing care for a child under a court
12 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
13 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child
14 care is needed for that child, the individual meets the requirement under s. 49.145
15 (2) (c).

16 **SECTION 58.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

17 49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized
18 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or
19 adoptive family has a gross income that is at or below 200% of the poverty line. In
20 calculating the gross income of the child's biological or adoptive family, the Wisconsin
21 works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

22 **SECTION 59.** 49.46 (1) (a) 5. of the statutes is amended to read:

23 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care,
24 long-term kinship care ~~or~~, treatment foster care, or subsidized guardianship
25 placement under ch. 48 or 938, as determined by the department.

1 **SECTION 60.** 767.078 (1) (a) 2. of the statutes is amended to read:

2 767.078 (1) (a) 2. The child's right to support is assigned to the state under s.
3 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b.

4 **SECTION 61.** 767.29 (1m) (c) of the statutes is amended to read:

5 767.29 (1m) (c) The party entitled to the support or maintenance money or a
6 minor child of the party has applied for or is receiving ~~aid to families with dependent~~
7 ~~children~~ aid under s. 46.261 or public assistance under ch. 49 and there is an
8 assignment to the state under s. 46.261 (3) or 49.19 (4) (h) 1. b. of the party's right
9 to the support or maintenance money.

10 **SECTION 62.** 767.29 (2) of the statutes is amended to read:

11 767.29 (2) If any party entitled to maintenance payments or support money,
12 or both, is receiving public assistance under ch. 49, the party may assign the party's
13 right thereto to the county department under s. 46.215, 46.22, or 46.23 granting such
14 assistance. Such assignment shall be approved by order of the court granting the
15 maintenance payments or support money, and may be terminated in like manner;
16 except that it shall not be terminated in cases where there is any delinquency in the
17 amount of maintenance payments and support money previously ordered or
18 adjudged to be paid to the assignee without the written consent of the assignee or
19 upon notice to the assignee and hearing. When an assignment of maintenance
20 payments or support money, or both, has been approved by the order, the assignee
21 shall be deemed a real party in interest within s. 803.01 but solely for the purpose
22 of securing payment of unpaid maintenance payments or support money adjudged
23 or ordered to be paid, by participating in proceedings to secure the payment thereof.
24 Notwithstanding assignment under this subsection, and without further order of the
25 court, the department or its designee, upon receiving notice that a party or a minor

1 child of the parties is receiving aid under s. 46.261 or public assistance under ch. 49
2 or that a kinship care relative or long-term kinship care relative of the minor child
3 is receiving kinship care payments or long-term kinship care payments for the minor
4 child, shall forward all support assigned under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n)
5 (b) 2., 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 46.261 (3), 48.57 (3m) (b)
6 2. or (3n) (b) 2., 49.19 (4) (h) 1., or 49.45 (19).

7 **SECTION 63.** 767.29 (4) of the statutes is amended to read:

8 767.29 (4) If an order or judgment providing for the support of one or more
9 children not receiving aid under s. 46.261, 48.57 (3m) or (3n), or 49.19 includes
10 support for a minor who is the beneficiary of aid under s. 46.261, 48.57 (3m) or (3n),
11 or 49.19, any support payment made under the order or judgment is assigned to the
12 state under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b. in the
13 amount that is the proportionate share of the minor receiving aid under s. 46.261,
14 48.57 (3m) or (3n), or 49.19, except as otherwise ordered by the court on the motion
15 of a party.

16 **SECTION 64.** 938.33 (4) (intro.) of the statutes is amended to read:

17 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
18 placement in a foster home, treatment foster home, group home, or nonsecured
19 residential care center for children and youth ~~or~~, in the home of a relative other than
20 a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except
21 that the report may be presented orally at the dispositional hearing if all parties
22 consent. A report that is presented orally shall be transcribed and made a part of the
23 court record. The report shall include all of the following:

24 **SECTION 65.** 938.345 (4) of the statutes is created to read:

1 938.345 (4) If the court finds that a juvenile is in need of protection or services
2 under s. 938.13 (4), the court, instead of or in addition to any other disposition
3 imposed under sub. (1), may place the juvenile in the home of a guardian under s.
4 48.977 (2).

5 **SECTION 66.** 938.57 (1) (c) of the statutes is amended to read:

6 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
7 care, including providing services for juveniles and their families in their own homes,
8 placing the juveniles in licensed foster homes, licensed treatment foster homes, or
9 licensed group homes in this state or another state within a reasonable proximity to
10 the agency with legal custody, placing the juveniles in the homes of guardians under
11 s. 48.977 (2), or contracting for services for them by licensed child welfare agencies
12 or replacing them in secured correctional facilities, secured child caring institutions,
13 or secured group homes in accordance with rules promulgated under ch. 227, except
14 that the county department may not purchase the educational component of private
15 day treatment programs unless the county department, the school board, as defined
16 in s. 115.001 (7), and the state superintendent of public instruction all determine that
17 an appropriate public education program is not available. Disputes between the
18 county department and the school district shall be resolved by the state
19 superintendent of public instruction.

20 **SECTION 67.** 938.57 (3) (a) 4. of the statutes is amended to read:

21 938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
22 ~~or~~, residential care center for children and youth, or subsidized guardianship home
23 under s. 48.62 (5).

24 **SECTION 9121. Nonstatutory provisions; health and family services.**

