



1           46.95 (2) (f) 9. Award a grant of \$25,000 in fiscal year 1999–2000 and a grant  
2 of \$50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic  
3 Violence for toward the cost of a staff person to provide assistance in obtaining legal  
4 services to domestic abuse victims.

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

6           46.95 (2) (f) 10. Award a grant of \$563,500 in each fiscal year to the Refugee  
7 Family Strengthening Project for providing domestic abuse services to the refugee  
8 population. Funding may be used to hire bilingual staff persons, especially those  
9 who speak Hmong.

10          **SECTION 904.** 46.95 (2) (g) of the statutes is repealed.

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

12          **46.972 (title) Services Primary health for homeless individuals.**

13          **SECTION 906.** 46.972 (2) (title) of the statutes is repealed.

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

15          **SECTION 908.** 46.972 (3) of the statutes is renumbered 560.9811 and amended  
16 to read:

17          **560.9811 Mental health services.** (1) In this subsection section, “chronic  
18 mental illness” has the meaning given in s. 51.01 (3g).

19          (2) From the appropriation under s. ~~20.435 (7) (ee)~~ 20.143 (2) (fr), the  
20 department may not allocate award more than \$45,000 in each fiscal year to applying  
21 public or nonprofit private entities for the costs of providing certain mental health  
22 services to homeless individuals with chronic mental illness. Entities that receive  
23 funds allocated awarded by the department under this subsection shall provide the  
24 mental health services required under 42 USC 290cc–24. The amount that the

1 department allocates awards to an applying entity may not exceed 50% of the  
2 amount of matching funds required under 42 USC 290cc-23.

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

4 46.977 (2) (a) ~~Annually, prior to April 30, an organization may apply to~~ From  
5 the appropriation under s. 20.435 (7) (cg), the department for a grant may under this  
6 section, based on the criteria under par. (c), award grants to applying organizations  
7 for the purpose of ~~recruiting,~~ training, ~~monitoring~~ and assisting guardians for  
8 persons determined to be incompetent under ch. 880. ~~By June 30, the department~~  
9 ~~shall determine which organizations will receive a grant during the following fiscal~~  
10 ~~year based on the criteria under par. (c).~~ No grant may be awarded paid unless the  
11 applicant awardee provides matching funds equal to 10% of the amount of the award.  
12 ~~The department shall make grants under this section from the appropriation under~~  
13 ~~s. 20.435 (7) (cg).~~

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

15 46.977 (2) (b) (intro.) Organizations awarded grants under ~~this section~~ par. (a)  
16 shall do all of the following:

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

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

19 46.977 (2) (b) 2. Provide training ~~for recruited guardians~~ and technical  
20 assistance on their duties guardianship issues.

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

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

23 46.977 (2) (b) 4. Provide technical assistance to recruited guardians in  
24 performing their duties.

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

3           46.977 (2) (c) In reviewing applications for grants, the department shall  
4           consider ~~all of the following:~~ The ~~the~~ extent to which the proposed program will  
5           effectively recruit, train, monitor and assist guardians for persons determined to be  
6           incompetent under ch. 880.

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

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

9           46.985 (2) (a) 4. Procedures for coordinating the family support program and  
10          the use of its funds, throughout this state and in each service area, with other  
11          publicly funded programs including the community options program under s. 46.27;  
12          ~~the community integration program~~ <sup>delete extra space</sup> a community integration program under ss.  
13          46.275, 46.277, and 46.278; the Community Opportunity and Recovery Program  
14          under s. 46.2785; the social services, mental health, and developmental disabilities  
15          programs under ss. 46.495, 51.42, and 51.437; the independent living center program  
16          under s. 46.96; and ~~the medical assistance~~ Medical Assistance program under subch.  
17          IV of ch. 49.

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

19          46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), ~~(km)~~ and  
20          (nL), the department shall distribute \$2,125,200 in each fiscal year to applying  
21          nonprofit corporations and public agencies operating in a county having a population  
22          of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments  
23          under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county  
24          having a population of 500,000 or more to provide programs to accomplish all of the  
25          following:

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

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

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

8           46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. From the allocations  
9 allocation under sub. (1m), the department may provide a grant annually in the  
10 amount of \$85,000 to the elected governing body of a federally recognized American  
11 Indian tribe or band to provide services for adolescent parents which shall emphasize  
12 high school graduation and vocational preparation, training, and experience and  
13 may be structured so as to strengthen the adolescent parent's capacity to fulfill  
14 parental responsibilities by developing social skills and increasing parenting skills.  
15 The tribe or band seeking to receive a grant to provide these services shall develop  
16 a proposed service plan that is approved by the department.

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

18           46.995 (3) (b) From the allocations allocation under sub. (1m), the department  
19 may provide a grant annually in the amount of \$65,000 to the elected governing body  
20 of a federally recognized American Indian tribe or band to provide to high-risk  
21 adolescents pregnancy and parenthood prevention services which shall be  
22 structured so as to increase development of decision-making and communications  
23 skills, promote graduation from high school, and expand career and other options  
24 and which may address needs of adolescents with respect to pregnancy prevention.

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

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

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

9           48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
10 placement of an adult expectant mother outside of her home shall be in writing. A  
11 report recommending placement of a child in a foster home, treatment foster home,  
12 group home, or residential care center for children and youth ~~or~~, in the home of a  
13 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall  
14 be in writing and shall include all of the following:

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

16           48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62  
17 ~~or~~, a group home licensed under s. 48.625, or in the home of a guardian under s.  
18 48.977 (2).

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

20           48.356 (1) Whenever the court orders a child to be placed outside his or her  
21 home, orders an expectant mother of an unborn child to be placed outside of her  
22 home, or denies a parent visitation because the child or unborn child has been  
23 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,  
24 48.363, or 48.365 or whenever the court appoints a guardian for a child under s.  
25 48.977 (2), the court shall orally inform the parent or parents who appear in court

1 or the expectant mother who appears in court of any grounds for termination of  
2 parental rights under s. 48.415 ~~which~~ that may be applicable and of the conditions  
3 necessary for the child or expectant mother to be returned to the home or for the  
4 parent to be granted visitation.

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

6 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.  
7 determines that it is unlikely that the child will be adopted, or if adoption would not  
8 be in the best interests of the child, the report shall include a plan for placing the child  
9 in a permanent family setting. The plan shall include a recommendation as to the  
10 agency to be named guardian of the child ~~or~~, a recommendation that the person  
11 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian  
12 of the child, or a recommendation that a guardian be appointed for the child under  
13 s. 48.977 (2).

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

15 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are  
16 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,  
17 the court shall either do one of the following:

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

19 48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship  
20 and custody of the child to the guardian.

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

22 48.427 (3p) If the rights of both parents or of the only living parent are  
23 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the  
24 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters

1 an order under this subsection, the court shall terminate the guardianship under s.  
2 48.977.

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

4 48.48 (17) (a) 3. Provide appropriate protection and services for children and  
5 the expectant mothers of unborn children in its care, including providing services for  
6 those children and their families and for those expectant mothers in their own  
7 homes, placing the children in licensed foster homes, treatment foster homes, or  
8 group homes in this state or another state within a reasonable proximity to the  
9 agency with legal custody, placing the children in the homes of guardians under s.  
10 48.977 (2), or contracting for services for those children by licensed child welfare  
11 agencies, except that the department may not purchase the educational component  
12 of private day treatment programs unless the department, the school board, as  
13 defined in s. 115.001 (7), and the state superintendent of public instruction all  
14 determine that an appropriate public education program is not available. Disputes  
15 between the department and the school district shall be resolved by the state  
16 superintendent of public instruction.

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

18 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,  
19 ~~or~~, residential care center for children and youth, or subsidized guardianship home  
20 under s. 48.62 (5).

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

22 48.57 (1) (c) To provide appropriate protection and services for children and the  
23 expectant mothers of unborn children in its care, including providing services for  
24 those children and their families and for those expectant mothers in their own  
25 homes, placing those children in licensed foster homes, treatment foster homes, or

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

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

11 48.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,  
12 ~~or~~, residential care center for children and youth, or subsidized guardianship home  
13 under s. 48.62 (5).

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

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

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

19 48.57 (3m) (h) A county department or, in a county having a population of  
20 500,000 or more, the department may recover an overpayment made under par. (am)  
21 from a kinship care relative who continues to receive payments under par. (am) by  
22 reducing the amount of the kinship care relative's monthly payment. The  
23 department may by rule specify other methods for recovering overpayments made  
24 under par. (am). A county department that recovers an overpayment under this



1 paragraph due to the efforts of its officers and employees may retain a portion of the  
2 amount recovered, as provided by the department by rule.

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

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

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

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

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

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

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

24 48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)  
25 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a

1 population of 500,000 or more, the department of health and family services, with  
2 the assistance of the department of justice, shall conduct a background investigation  
3 of the applicant.

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

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

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

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

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

20 48.57 **(3p)** (c) 2m. The county department or, in a county having a population  
21 of 500,000 or more, the department of health and family services, with the assistance  
22 of the department of justice, may conduct a background investigation of any of the  
23 employees or prospective employees of any person who is receiving payments under  
24 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child  
25 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 945.** 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 946.** 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 947.** 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 948.** 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 949.** 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 950.** 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 951d.** 48.62 (4) of the statutes is amended to read:

23           48.62 **(4)** Monthly payments in foster care shall be provided according to the  
24          age-related rates specified in this subsection. ~~Beginning on January 1, 2000, the~~  
25          ~~age-related rates are: \$299 for children aged 4 and under; \$326 for children aged 5~~

1 to 11; ~~\$371 for children aged 12 to 14 and \$387 for children aged 15 to 17.~~ Beginning  
2 on January 1, 2001, ~~the age-related rates are: \$302 for children aged 4 and under;~~  
3 ~~\$329 for children aged 5 to 11; \$375 for children aged 12 to 14; and \$391 for children~~  
4 ~~aged 15 to 17~~ 2006, the age-related rates are \$310 for a child under 5 years of age;  
5 \$337 for a child 5 to 11 years of age; \$384 for a child 12 to 14 years of age; and \$401  
6 for a child 15 years of age or over. Beginning on January 1, 2007, the age-related  
7 rates are \$317 for a child under 5 years of age; \$346 for a child 5 to 11 years of age;  
8 \$394 for a child 12 to 14 years of age; and \$411 for a child 15 years of age or over. In  
9 addition to these grants for basic maintenance, the department shall make  
10 supplemental payments for special needs, exceptional circumstances, care in a  
11 treatment foster home, and initial clothing allowances according to rules  
12 promulgated by the department.

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

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

23 1. The child has been placed outside of his or her home, as described in s. 48.365  
24 (1), for a cumulative total period of one year or longer, the court has found that the  
25 agency primarily responsible for providing services to the child under a court order

1 has made reasonable efforts to make it possible for the child to return to his or her  
2 home, while assuring that the child's health and safety are the paramount concerns,  
3 but that reunification of the child with the child's parent or parents is unlikely or  
4 contrary to the best interests of the child and that further reunification efforts are  
5 unlikely to be made or are contrary to the best interests of the child, or that any of  
6 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. apply, and the court has found  
7 that appointment of a guardian for the child is in the best interests of the child.

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

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

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

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



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

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

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

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

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

7 48.62 (6) The department or a county department may recover an overpayment  
8 made under sub. (4) or (5) from a foster parent, treatment foster parent, guardian,  
9 or interim caretaker who continues to receive payments under sub. (4) or (5) by  
10 reducing the amount of the person's monthly payment. The department may by rule  
11 specify other methods for recovering overpayments made under sub. (4) or (5). A  
12 county department that recovers an overpayment under this subsection due to the  
13 efforts of its officers and employees may retain a portion of the amount recovered, as  
14 provided by the department by rule.

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

16 48.65 (3) (a) Before the department may issue a license under sub. (1) to a day  
17 care center that provides care and supervision for 4 to 8 children, the day care center  
18 must pay to the department a biennial fee of \$60.50. Before the department may  
19 issue a license under sub. (1) to a day care center that provides care and supervision  
20 for 9 or more children, the day care center must pay to the department a biennial fee  
21 of \$30.25, plus a biennial fee of ~~\$8.47~~ \$10.33 per child, based on the number of  
22 children that the day care center is licensed to serve. A day care center that wishes  
23 to continue a license issued under sub. (1) shall pay the applicable fee under this  
24 paragraph by the continuation date of the license. A new day care center shall pay

1 the applicable fee under this paragraph no later than 30 days before the opening of  
2 the day care center.

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

4 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county  
5 department, or a licensed child welfare agency from entering the content of any  
6 record kept or information received about an individual in its care or legal custody  
7 into the statewide automated child welfare information system established under s.  
8 46.03 (7) (g). Paragraph (a) also does not prohibit a county department under s.  
9 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services,  
10 the department of corrections, or any other organization that has entered into an  
11 information sharing and access agreement with one of those county departments or  
12 departments and that has been approved for access to the statewide automated child  
13 welfare information system by the department of health and family services from  
14 having access to information concerning a client of that county department,  
15 department, or organization under this chapter or ch. 51 or 938 that is maintained  
16 in the statewide automated child welfare information system, if necessary to enable  
17 the county department, department, or organization to perform its duties under this  
18 chapter or ch. 51 or 938 or to coordinate the delivery of services under this chapter  
19 or ch. 51 or 938 to the client. Before entering any information about an individual  
20 into the statewide automated child welfare information system, the department,  
21 county department, or licensed child welfare agency entering the information shall  
22 notify the individual that the information entered may be disclosed as provided in  
23 this paragraph.

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

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

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

9           48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster  
10 care ~~or, treatment foster care, or subsidized guardianship care~~ immediately prior to  
11 placement for adoption, the initial amount of adoption assistance for maintenance  
12 shall be equivalent to the uniform foster care rate in effect at the time that the  
13 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed  
14 adoptive parents and specified in that agreement.

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

16           48.975 (4) (a) Except in extenuating circumstances, as defined by the  
17 department by rule promulgated under sub. (5) (a), a written agreement to provide  
18 adoption assistance shall be made prior to adoption. An agreement to provide  
19 adoption assistance may be made only for a child who, at the time of placement for  
20 adoption, is in the guardianship of the department or other agency authorized to  
21 place children for adoption ~~or, in the guardianship of an American Indian tribal~~  
22 ~~agency in this state, or in a subsidized guardianship under s. 48.62 (5).~~

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

24           48.975 (4m) **RECOVERY OF INCORRECT PAYMENTS.** The department may recover  
25 an overpayment of adoption assistance from an adoptive parent who continues to

1 receive adoption assistance for maintenance by reducing the amount of the adoptive  
2 parent's monthly payment of adoption assistance for maintenance. The department  
3 may by rule specify other methods for recovering overpayments of adoption  
4 assistance.

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

6 **48.977 (title) Appointment of relatives as guardians for certain**  
7 **children in need of protection or services.**

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

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

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

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

14 48.977 (2) (a) That the child has been adjudged to be in need of protection or  
15 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or  
16 938.13 (4) and been placed, or continued in a placement, outside of his or her home  
17 pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,  
18 938.345, 938.357, 938.363, or 938.365 ~~for a cumulative total period of one year or~~  
19 ~~longer or that the child has been so adjudged and placement of the child in the home~~  
20 ~~of a guardian under this section has been recommended under s. 48.33 (1) or 938.33~~  
21 (1).

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

23 48.977 (2) (b) That the person nominated as the guardian of the child is a  
24 ~~relative of the child~~ person with whom the child has been placed or in whose home  
25 placement of the child is recommended under par. (a) and that it is likely that the

1 child will continue to be placed with that relative person for an extended period of  
2 time or until the child attains the age of 18 years.

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

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

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

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

1 corrects an earlier guardianship order that does not comply with this paragraph is  
2 not sufficient to comply with this paragraph.

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

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

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

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

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

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

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

1           48.977 (4) (b) 3. The date on which the child was adjudged in need of protection  
2 or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m)  
3 or 938.13 (4) and the dates that on which the child has been placed, or continued in  
4 a placement, outside of his or her home pursuant to one or more court orders under  
5 s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child  
6 has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or  
7 938.33 (1) in which placement of the child in the home of the person is recommended.

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

9           48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose  
10 home placement of the child is recommended as described in sub. (2) (a), if the  
11 relative person is nominated as the guardian of the child in the petition.

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

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



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

2           48.977 (4) (g) 1. Whether the ~~relative~~ person would be a suitable guardian of  
3 the child.

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

5           48.977 (4) (g) 2. The willingness and ability of the ~~relative~~ person to serve as  
6 the child's guardian for an extended period of time or until the child attains the age  
7 of 18 years.

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

9           48.977 (4) (h) 1. A disposition dismissing the petition if the court determines  
10 that appointment of the ~~relative~~ person as the child's guardian is not in the best  
11 interests of the child.

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

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

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

19           48.982 (4) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (m),  
20 and (q), the board shall award grants to organizations in accordance with the plan  
21 developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are  
22 awarded, no organization may receive a grant or grants totaling more than \$30,000.

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

24           48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (ma),  
25 and (q), the board shall award grants to organizations in accordance with the

1 request-for-proposal procedures developed under sub. (2) (a). No organization may  
2 receive a grant or grants under this subsection totaling more than \$150,000 in any  
3 year.

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

5 48.982 (7) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), and  
6 (q), the board shall award grants to organizations in accordance with the plan  
7 developed under sub. (2) (a).

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

9 49.134 (2) (a) From the allocation under s. 49.155 (1g) ~~(b)~~ (d), the department  
10 shall make grants to local agencies to fund child care resource and referral services  
11 provided by those local agencies. The department shall provide an allocation formula  
12 to determine the amount of a grant awarded under this section.

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

14 49.136 (2) (a) From the allocation under s. 49.155 (1g) ~~(b)~~ (d), the department  
15 ~~shall~~ may award grants for the start-up or expansion of child care services.

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

17 49.136 (2) (b) ~~The~~ If the department awards grants under this section, the  
18 department shall attempt to award the grants ~~under this section~~ to head start  
19 agencies designated under 42 USC 9836, employers that provide or wish to provide  
20 child care services for their employees, family day care centers, group day care  
21 centers and day care programs for the children of student parents, organizations that  
22 provide child care for sick children, and child care providers that employ participants  
23 or former participants in a Wisconsin ~~works~~ Works employment position under s.  
24 49.147 (3) to (5).

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

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

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

9           49.137 (3) (a) From the allocation under s. 49.155 (1g) (b) (d), the department  
10          may award grants to child care providers for assistance in meeting the quality of care  
11          standards established under s. 49.155 (1d) (b).

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

13          49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the  
14          allocation under s. 49.155 (1g) (b) (d), the department may contract with one or more  
15          agencies for the provision of training and technical assistance to improve the quality  
16          of child care provided in this state. The training and technical assistance activities  
17          contracted for under this subsection may include any of the following activities:

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

19          49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The From the allocation  
20          under s. 49.155 (1g) (d), the department shall award grants to local governments and  
21          tribal governing bodies for programs to improve the quality of child care. The  
22          department shall promulgate rules to administer the grant program, including rules  
23          that specify the eligibility criteria and procedures for awarding the grants.

24          **SECTION 1059.** 49.1375 of the statutes is repealed.

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

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

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

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

19           49.143 (1) (ac) 1. Except for a county department under s. 46.21, 46.22, or 46.23  
20 or a tribal governing body, a person who submits a bid in a competitive process under  
21 par. (a) 1. shall include with the proposal a filing fee of \$50 and a statement of  
22 economic interests that discloses all of the following information:

23           a. The person's assets and liabilities.

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

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

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

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

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

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

16 49.143 (2) CONTRACT REQUIREMENTS. (intro.) Each contract under sub. (1) shall  
17 contain performance-based incentives established by the department, as well as  
18 financial penalties that the department shall enforce against a Wisconsin Works  
19 agency that fails to serve Wisconsin Works participants as required under the  
20 contract. The contract shall require a Wisconsin ~~works~~ Works agency to do all of the  
21 following:

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

23 49.143 (2) (g) If the Wisconsin Works agency is not a county department under  
24 s. 46.21, 46.22, or 46.23 or a tribal governing body, provide to the department, one  
25 year after the date on which the contract under sub. (1) was signed, a filing fee of \$50

1 and an updated statement of economic interests that discloses the information  
2 specified in sub. (1) (ac) 1. a. to d.

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

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

5 49.143 (4) (b) For a Wisconsin Works agency that is not a county department  
6 under s. 46.215, 46.22, or 46.23 or a tribal governing body, the department may select  
7 the auditor for the annual single financial audit required under federal law. The  
8 Wisconsin Works agency shall be required to pay for the annual single financial  
9 audit.

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

11 49.143 (5) (c) The Subject to sub. (5m) (b), the department may inspect at any  
12 time any Wisconsin ~~works~~ Works agency's records as the department determines is  
13 appropriate and necessary for the overall administration of Wisconsin ~~works~~ Works.

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

15 49.143 (5m) FINANCIAL RECORDS. (a) Each Wisconsin Works agency shall  
16 maintain its financial records in accordance with generally accepted accounting  
17 principles.

18 (b) To ensure that all expenditures of state and federal moneys related to  
19 Wisconsin Works are made in compliance with applicable state laws and rules,  
20 applicable federal laws and regulations, and the terms of the contracts between the  
21 Wisconsin Works agencies and the department, the department shall do all of the  
22 following:

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

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

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

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

7           49.145 (2) (s) The individual assigns to the state any right of the individual or  
8 of any dependent child of the individual to support or maintenance from any other  
9 person, including any right to amounts accruing during the time that any Wisconsin  
10 ~~works~~ Works benefit is paid to the individual. If a minor who is a beneficiary of any  
11 Wisconsin ~~works~~ Works benefit is also the beneficiary of support under a judgment  
12 or order that includes support for one or more children not receiving a benefit under  
13 Wisconsin ~~works~~ Works, any support payment made under the judgment or order is  
14 assigned to the state during the period that the minor is a beneficiary of the  
15 Wisconsin ~~works~~ Works benefit in the amount that is the proportionate share of the  
16 minor receiving the benefit under Wisconsin ~~works~~ Works, except as otherwise  
17 ordered by the court on the motion of a party. Amounts assigned to the state under  
18 this paragraph remain assigned to the state until the amount due to the federal  
19 government has been recovered. No amount of support that begins to accrue after  
20 the individual ceases to receive benefits under Wisconsin ~~works~~ Works may be  
21 considered assigned to this state. Except as provided in s. 49.1455, any money that  
22 is received by the department in a month under an assignment to the state under this  
23 paragraph for an individual applying for or participating in Wisconsin ~~works~~ Works  
24 and that is not the federal share of support shall be paid to the individual applying  
25 for or participating in Wisconsin ~~works~~ Works. The department shall pay the federal

1 share of support assigned under this paragraph as required under federal law or  
2 waiver.

3 **SECTION 1060m.** 49.147 (4) (as) of the statutes is amended to read:

4 49.147. (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and  
5 sub. (5m), a Wisconsin ~~works~~ Works agency shall require a participant placed in a  
6 community service job program to work in a community service job for the number  
7 of hours determined by the Wisconsin ~~works~~ Works agency to be appropriate for the  
8 participant at the time of application or review, but not to exceed less than 20 hours  
9 per week, nor more than 30 hours per week, for a participant in a full-time  
10 community service job placement. Except as provided in pars. (at) and (av), a  
11 Wisconsin ~~works~~ Works agency may require a participant placed in the community  
12 service job program to participate in education or training activities for not more  
13 than 10 hours per week. The department shall monitor the number of hours that  
14 participants in community service job placements are required to work to ensure  
15 compliance with the requirements under this paragraph by Wisconsin Works  
16 agencies.

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

18 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),  
19 a Wisconsin ~~works~~ Works agency may require a participant placed in a full-time  
20 transitional placement to engage in activities under par. (b) 1. for ~~up to~~ not less than  
21 20 hours per week nor more than 28 hours per week. Except as provided in sub. (5m),  
22 a Wisconsin ~~works~~ Works agency may require a participant placed in a transitional  
23 placement to participate in education or training activities under par. (bm) for not  
24 more than 12 hours per week. The department shall monitor the number of hours  
25 that participants in transitional placements are required to engage in activities



1 under par. (b) 1. to ensure compliance with the requirements under this paragraph  
2 by Wisconsin Works agencies.

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

4 49.147 (6) (c) *Distribution and administration.* From the appropriations  
5 appropriation under s. 20.445 (3) ~~(dz), (jL), and (md)~~, the department shall distribute  
6 funds for job access loans to a Wisconsin Works agency, which shall administer the  
7 loans in accordance with rules promulgated by the department.

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

9 **49.153 Notice before taking certain actions. (1) WRITTEN AND ORAL NOTICE.**

10 Before taking any action against a participant that would result in a 20 percent or  
11 more reduction in the participant's benefits or in termination of the participant's  
12 eligibility to participate in Wisconsin Works, a Wisconsin Works agency shall do all  
13 of the following:

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

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

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

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

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

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

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

11           49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),  
12           transfer ~~\$4,440,600~~ \$4,438,200 in fiscal year 2003-04 ~~2005-06~~ and ~~\$4,507,900~~  
13           \$4,440,500 in fiscal year 2004-05 ~~2006-07~~ to the appropriation account under s.  
14           20.435 (3) (kx).

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

16           49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), distribute  
17           \$3,378,500 in fiscal year 2005-06 and \$3,378,500 in fiscal year 2006-07 for grants  
18           under s. 49.134 (2) for child day care resource and referral services, for contracts  
19           under s. 49.137 (4) for training and technical assistance, for grants under s. 49.137  
20           (4m), and for a child care scholarship and bonus program.

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

22           49.155 (1m) (a) (intro.) The individual is a parent of a child who meets the  
23           requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is  
24           disabled, is under the age of 19; or is a person who, under s. 48.57 (3m) or (3n), is  
25           providing care and maintenance for a child who meets the requirement under s.

1 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the  
2 age of 19; and child care services for that child are needed in order for the individual  
3 to do any of the following:

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

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

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

12 49.155 (1m) (b) 1. Section 49.145 (2) (~~e~~), (f) and (g).

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

14 49.155 (1m) (bm) If the individual is providing care for a child under a court  
15 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or  
16 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child  
17 care is needed for that child, the individual child meets the requirement under s.  
18 49.145 (2) (c).

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

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

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

1           49.155 (6) (cm) The department shall modify child care provider  
2 reimbursement rates established under pars. (a) to (c) so that reimbursement rates  
3 are lower for providers of after-school day care.

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

5           49.161 (4) UNRECOVERABLE OVERPAYMENTS CAUSED BY WISCONSIN WORKS AGENCY  
6 ERROR. If an overpayment under sub. (1), (2), or (3) resulted from an error or omission  
7 by a Wisconsin Works agency or a staff person of a Wisconsin Works agency and the  
8 department is unable to recover some or all of the overpayment from the individual  
9 who received it, the Wisconsin Works agency is liable to the department for the  
10 amount of the overpayment that the department is unable to recover.

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

12           49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within  
13 the limits of the appropriations under s. 20.445 (3) (a), (cm), (dz), ~~(jL)~~, (jm), (k), (kx),  
14 (L), (mc), (md), ~~(nL)~~, and (me), and (s) the department shall allocate the following  
15 amounts for the following purposes:

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

17           49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits provided  
18 ~~under contracts having a term that begins on January 1, 2002, and ends on~~  
19 ~~December 31, 2003, \$33,219,700 in fiscal year 2003-04; and for Wisconsin Works~~  
20 ~~benefits provided under contracts having a term that begins on January 1, 2004, and~~  
21 ~~ends on December 31, 2005, \$33,219,700, \$59,184,700 in fiscal year 2003-04~~  
22 ~~2005-06 and \$66,439,400 \$51,930,000 in fiscal year 2004-05 2006-07.~~

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

24           49.175 (1) (b) *Wisconsin Works administration.* For administration of  
25 Wisconsin Works performed under contracts under s. 49.143 ~~having a term that~~

1 ~~begins on January 1, 2002, and ends on December 31, 2003, \$10,582,800 in fiscal~~  
2 ~~year 2003-04; and for administration of Wisconsin Works performed under contracts~~  
3 ~~under s. 49.143 having a term that begins on January 1, 2004, and ends on~~  
4 ~~December 31, 2005, \$10,582,900, \$18,999,900 in fiscal year 2003-04 2005-06 and~~  
5 ~~\$21,165,700 \$16,834,100 in fiscal year 2004-05 2006-07.~~

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

7 49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses  
8 to Wisconsin Works agencies that have entered into contracts under s. 49.143 having  
9 a term that begins on January 1, ~~2002~~ 2004, and that ends on December 31, ~~2003~~  
10 2005, \$0 in fiscal year ~~2003-04~~ 2005-06.

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

12 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under  
13 Wisconsin Works, ~~including transportation assistance for individuals who are~~  
14 ~~eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,~~  
15 ~~provided under contracts under s. 49.143 having a term that begins on January 1,~~  
16 ~~2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003-04; and for~~  
17 ~~program services under Wisconsin Works, including transportation assistance for~~  
18 ~~individuals who are eligible to receive temporary assistance for needy families under~~  
19 ~~42 USC 601 et seq., education and training, mentoring, and other services provided~~  
20 ~~under contracts under s. 49.143 having a term that begins on January 1, 2004, and~~  
21 ~~ends on December 31, 2005, \$27,803,300, \$49,534,800 in fiscal year 2003-04~~  
22 2005-06 and ~~\$55,606,600~~ \$43,463,000 in fiscal year ~~2004-05~~ 2006-07.

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

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

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

5           49.175 (1) (m) *Children first.* For services under the work experience program  
6 for noncustodial parents under s. 49.36, \$1,140,000 \$834,400 in each fiscal year.

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

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

9           49.175 (1) (p) *Direct child care services.* For direct child care services under s.  
10 49.155, \$298,640,600 \$310,332,100 in fiscal year 2003–04 2005–06 and  
11 \$308,040,600 \$313,432,100 in fiscal year 2004–05 2006–07.

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

13           49.175 (1) (q) *Indirect child Child care services state administration.* For  
14 indirect child care services state administration costs under s. 49.155 (1g),  
15 \$9,559,400 (b) and (c), \$5,926,700 in fiscal year 2003–04 2005–06 and \$9,626,700  
16 \$5,929,000 in fiscal year 2004–05 2006–07.

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

18           49.175 (1) (qm) *Local pass-through grant program Quality care for quality*  
19 *kids.* For the local pass-through grant program under s. 49.137 (4m), \$2,475,100 in  
20 fiscal year 2003–04 and \$2,478,500 in child care quality improvement activities  
21 specified in s. 49.155 (1g) (d), \$3,378,500 in each fiscal year 2004–05.

22           **SECTION 1098m.** 49.175 (1) (r) of the statutes is repealed.

23           **SECTION 1100m.** 49.175 (1) (ze) 1. of the statutes is amended to read:

24           49.175 (1) (ze) 1. ‘Kinship care and long-term kinship care assistance.’ For the  
25 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and

1 (3p), ~~\$24,122,200~~ \$23,034,200 in each fiscal year 2005–06 and \$22,686,300 in fiscal  
2 year 2006–07.

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

4 49.175 (1) (ze) 2. ‘Children of recipients of supplemental security income.’ For  
5 payments made under s. 49.775 for the support of the dependent children of  
6 recipients of supplemental security income, ~~\$26,397,200~~ \$30,444,000 in fiscal year  
7 2003–04 2005–06 and ~~\$29,175,100~~ \$30,394,000 in fiscal year 2004–05 2006–07.

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

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

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

11 49.175 (1) (ze) 10m. ‘Safety services.’ For services provided in counties having  
12 a population of 500,000 or more to ensure the safety of children who the department  
13 of health and family services determines may remain at home if appropriate services  
14 are provided, ~~\$7,045,500~~ \$5,707,200 in each fiscal year.

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

16 49.175 (1) (ze) 12. ‘Milwaukee and statewide child welfare administration.’ For  
17 the costs associated with the Milwaukee child welfare information system and the  
18 Wisconsin statewide automated child welfare information system, ~~\$1,695,700~~  
19 \$1,310,800 in fiscal year 2003–04 2005–06 and ~~\$1,741,300~~ \$1,317,700 in fiscal year  
20 2004–05 2006–07.

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

22 49.175 (1) (zh) ~~Taxable years 1999 and thereafter~~ Earned income tax credit  
23 supplement. For the transfer of moneys from the appropriation account under s.  
24 20.445 (3) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned

1 income tax credit, ~~\$57,892,000 in fiscal year 2003–04 and \$59,532,000~~ \$59,532,000  
2 in each fiscal year 2004–05.

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

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

6 115.28 (35) *English for Southeast Asian children.* ~~To~~ Annually pay to the school  
7 board of the Wausau school district for English ~~training~~ instruction for 3–year–old,  
8 4–year–old and 5–year–old Southeast Asian children, ~~\$100,000 in each fiscal year~~  
9 the amount appropriated under s. 20.255 (2) (ce).

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

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

12 49.195 (3m) (b) The clerk of circuit court shall accept, file, and enter ~~the~~ each  
13 warrant under par. (a) and each satisfaction, release, or withdrawal under par. (d),  
14 (e), (g), or (h) in the judgment and lien docket without prepayment of any fee, but the  
15 clerk of circuit court shall submit a statement of the proper fee semiannually to the  
16 department covering the periods from January 1 to June 30 and July 1 to December  
17 31 unless a different billing period is agreed to between the clerk of circuit court and  
18 the department. The department shall pay the fees, but shall add the fees provided  
19 by s. 814.61 (5) for entering the warrants to the amount of the warrant and shall  
20 collect the fees from the person named in the warrant when satisfaction or release  
21 is presented for entry.

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

23 49.195 (3m) (h) If the department arranges a payment schedule with the  
24 debtor and the debtor complies with the payment schedule, the department shall  
25 may issue a notice of withdrawal of the warrant to the clerk of circuit court for the



1 county in which the warrant is filed. ~~The~~ If the department issues a notice of  
2 withdrawal of the warrant, the clerk shall void the warrant and the resulting liens.

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

4 49.195 (3n) (p) A levy is effective from the date on which the levy is first served  
5 on the 3rd party until the liability out of which the levy arose is satisfied, or until the  
6 levy is released ~~or until one year from the date of service~~, whichever occurs first.

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

8 49.195 (3n) (t) Any 3rd party is entitled to a levy fee of \$5 for each levy in any  
9 case ~~where~~ in which property is secured through the levy. ~~The~~ If the 3rd party retains  
10 the fee, the 3rd party shall increase the levy amount by the amount of the fee and  
11 deduct the fee from the proceeds of the levy.

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

13 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)  
14 (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program to  
15 investigate suspected fraudulent activity on the part of recipients of aid to families  
16 with dependent children under s. 49.19, on the part of participants in the Wisconsin  
17 ~~works~~ Works program under ss. 49.141 to 49.161, and, if the department of health  
18 and family services contracts with the department under sub. (5), on the part of  
19 recipients of medical assistance under subch. IV ~~and~~, food stamp benefits under the  
20 food stamp program under 7 USC 2011 to 2036, supplemental security income  
21 payments under s. 49.77, payments for the support of children of supplemental  
22 security income recipients under s. 49.775, and health care benefits under the  
23 Badger Care health care program under s. 49.665. The department's activities under  
24 this subsection may include, but are not limited to, comparisons of information  
25 provided to the department by an applicant and information provided by the

1 applicant to other federal, state, and local agencies, development of an advisory  
2 welfare investigation prosecution standard, and provision of funds to county  
3 departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin works Works  
4 agencies to encourage activities to detect fraud. The department shall cooperate  
5 with district attorneys regarding fraud prosecutions.

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

7 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct  
8 activities to reduce payment errors in Wisconsin works Works under ss. 49.141 to  
9 49.161 and, if the department of health and family services contracts with the  
10 department under sub. (5), the ~~medical-assistance~~ Medical Assistance program  
11 under subch. IV and, the food stamp program under 7 USC 2011 to 2036, the  
12 supplemental security income payments program under s. 49.77, the program  
13 providing payments for the support of children of supplemental security income  
14 recipients under s. 49.775, and the Badger Care health care program under s. 49.665.

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

16 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and  
17 family services contracts with the department under sub. (5), the department shall  
18 provide funds from the appropriation under s. 20.445 (3) (kx) to counties and  
19 governing bodies of federally recognized American Indian tribes administering  
20 ~~medical-assistance~~ Medical Assistance under subch. IV or, the food stamp program  
21 under 7 USC 2011 to 2036, the supplemental security income payments program  
22 under s. 49.77, the program providing payments for the support of children of  
23 supplemental security income recipients under s. 49.775, and the Badger Care  
24 health care program under s. 49.665 to offset administrative costs of reducing  
25 payment errors in those programs.

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

2           49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE AND, FOOD STAMPS, SUPPLEMENTAL  
3 SECURITY INCOME, AND CARETAKER SUPPLEMENT. The Notwithstanding s. 49.845 (1) and  
4 (2), the department of health and family services may contract with the department  
5 to investigate suspected fraudulent activity on the part of recipients of medical  
6 assistance under subch. IV or recipients of, food stamp benefits under the food stamp  
7 program under 7 USC 2011 to 2036, supplemental security income payments under  
8 s. 49.77, payments for the support of children of supplemental security income  
9 recipients under s. 49.775, and health care benefits under the Badger Care health  
10 care program under s. 49.665 and to conduct activities to reduce payment errors in  
11 the Medical Assistance program under subch. IV, the food stamp program under 7  
12 USC 2011 to 2036, the supplemental security income payments program under s.  
13 49.77, the program providing payments for the support of children of supplemental  
14 security income recipients under s. 49.775, and the Badger Care health care program  
15 under s. 49.665, as provided in this section.

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

17           49.22 (1) There is created a child and spousal support and establishment of  
18 paternity and medical ~~liability~~ support liability program in the department. The  
19 purpose of this program is to establish paternity when possible, to establish or modify  
20 support obligations, to enforce support obligations owed by parents to their children  
21 and maintenance obligations owed to spouses or former spouses with whom the  
22 children reside in this state or owed in other states if the support order was issued  
23 in this state or owed in other states if the parent, spouse, or former spouse resides  
24 in this state, to locate persons who are alleged to have taken their child in violation  
25 of s. 948.31 or of similar laws in other states, and to locate and value property of any

1 person having a support duty. To accomplish the objectives of this program and of  
2 other assistance programs under this chapter, county and state agencies will  
3 cooperate with one another to implement a child and spousal support and paternity  
4 establishment and medical support liability program in accordance with state and  
5 federal laws, regulations, and rules and to assure proper distribution of benefits of  
6 all assistance programs authorized under this chapter.

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

8 49.36 (2) The department may contract with any county, tribal governing body,  
9 or Wisconsin works Works agency to administer a work experience and job training  
10 program for parents who are not custodial parents and who fail to pay child support  
11 or to meet their children's needs for support as a result of unemployment or  
12 underemployment. The program may provide the kinds of work experience and job  
13 training services available from the program under s. 49.193, 1997 stats., or s. 49.147  
14 (3) or (4). The program may also include job search and job orientation activities.  
15 The department shall fund the program from the ~~appropriation~~ appropriations  
16 under s. 20.445 (3) (dz) and (k).

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

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

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

20 49.45 (3) (m) Reimbursement for services provided by a health maintenance  
21 organization, as defined in s. 609.01 (2), with a contract under sub. (2) (b) 2. to provide  
22 health care to recipients of Medical Assistance or Badger Care, shall be made under  
23 capitation rates that are actuarially sound.

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

1           49.45 (6m) (a) 6. “Resource Utilization Groupings III” means a comparative  
2 resource utilization grouping that classifies each facility resident based on  
3 information obtained from performing, for the resident, a minimum data set  
4 assessment developed by the federal Centers for Medicare and Medicaid Services.

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

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

8           a. The system shall incorporate acuity measurements under the most recent  
9 Resource Utilization Groupings III methodology to determine factors for case–mix  
10 adjustment.

11           b. Four times annually, for each facility resident who is a Medical Assistance  
12 recipient on March 31, June 30, September 30, or December 31, as applicable, the  
13 system shall determine the average case–mix index by use of the factors specified  
14 under subd. 3p. a.

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

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

18           e. The system shall identify the extent to which payment is made to facilities,  
19 under the system, for facilities’ direct care nursing costs allowable under Medical  
20 Assistance.

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

22           49.45 (6m) (m) The department may not use the criteria for functional  
23 eligibility specified in s. 46.286 (1) (a) to determine rates of payment to facilities  
24 under this subsection.

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

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

4           49.45 (6x) (title) FUNDING FOR ESSENTIAL ACCESS CITY HOSPITAL HOSPITALS.

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

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

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

13           49.45 (6x) (b) The department shall develop procedures for solicitation and  
14 review of requests for funds and a method to distribute the funds under par. (a) to  
15 ~~an individual hospital~~ hospitals that shall include establishment of criteria for the  
16 designation as an essential access city hospital. Beginning on July 1, 2007, the  
17 criteria established by the department may not include reference to criteria that  
18 were required to have been met during July 1, 1995, to June 30, 1996, but shall  
19 include the requirement that more than 30 percent of a hospital's total inpatient days  
20 are reimbursable under Medical Assistance. No hospital that qualifies for a Medical  
21 Assistance pediatric inpatient supplement is eligible for funds under this subsection.

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

23           49.45 (18) (ag) 1. A copayment of \$1 ~~\$3~~ for each prescription of a drug that bears  
24 only a generic name, as defined in s. 450.12 (1) (b).

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

1           49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien  
2 lawfully admitted for permanent residence or otherwise permanently residing in the  
3 United States under color of law may not receive medical assistance benefits except  
4 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), subject to s. 49.46 (2) (f).

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

6           49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a  
7 cooperative educational service agency elects to provide school medical services and  
8 meets all requirements under par. (c), the department shall reimburse the school  
9 district or the cooperative educational service agency for 60% of the federal share of  
10 allowable charges for the school medical services that it provides and, as specified  
11 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind  
12 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf  
13 and Hard of Hearing elects to provide school medical services and meets all  
14 requirements under par. (c), the department shall reimburse the department of  
15 public instruction for 60% of the federal share of allowable charges for the school  
16 medical services that the Wisconsin Center for the Blind and Visually Impaired or  
17 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing  
18 provides and, as specified in subd. 2., for allowable administrative costs. A school  
19 district, cooperative educational service agency, the Wisconsin Center for the Blind  
20 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf  
21 and Hard of Hearing may submit, and the department shall allow, claims for common  
22 carrier transportation costs as a school medical service unless the department  
23 receives notice from the federal health care financing administration that, under a  
24 change in federal policy, the claims are not allowed. If the department receives the  
25 notice, a school district, cooperative educational service agency, the Wisconsin

1 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services  
2 Program for the Deaf and Hard of Hearing may submit, and the department shall  
3 allow, unreimbursed claims for common carrier transportation costs incurred before  
4 the date of the change in federal policy. The department shall promulgate rules  
5 establishing a methodology for making reimbursements under this paragraph.  
6 ~~Except as provided in subd. 1m., all~~ All other expenses for the school medical services  
7 provided by a school district or a cooperative educational service agency shall be paid  
8 for by the school district or the cooperative educational service agency with funds  
9 received from state or local taxes. The school district, the Wisconsin Center for the  
10 Blind and Visually Impaired, the Wisconsin Educational Services Program for the  
11 Deaf and Hard of Hearing, or the cooperative educational service agency shall  
12 comply with all requirements of the federal department of health and human  
13 services for receiving federal financial participation.

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

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

16 49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The  
17 department shall reimburse a school district or a cooperative educational service  
18 agency specified under ~~subds. subd. 1. and 1m.~~ subd. 1. and shall reimburse the department  
19 of public instruction on behalf of the Wisconsin Center for the Blind and Visually  
20 Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of  
21 Hearing for 90% of the federal share of allowable administrative costs, using time  
22 studies, beginning in fiscal year 1999–2000. A school district or a cooperative  
23 educational service agency may submit, and the department of health and family  
24 services shall allow, claims for administrative costs incurred during the period that  
25 is up to 24 months before the date of the claim, if allowable under federal law.



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

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

9           (b) The division of the department that is responsible for health care financing  
10 shall monitor compliance with the requirement under par. (a) in concert with  
11 representatives of the Wisconsin Physical Therapy Association and the Wisconsin  
12 Occupational Therapy Association.

13           **SECTION 1150.** 49.46 (1) (a) 5. of the statutes is amended to read:

14           **49.46 (1) (a) 5.** Any child in an adoption assistance, foster care, kinship care,  
15 long-term kinship care ~~or~~, treatment foster care, or subsidized guardianship  
16 placement under ch. 48 or 938, as determined by the department.

17           **SECTION 1153.** 49.46 (1) (a) 14. of the statutes is amended to read:

18           **49.46 (1) (a) 14.** Any person who would meet the financial and other eligibility  
19 requirements for home or community-based services under s. 46.27 (11) ~~or~~, 46.277,  
20 or 46.2785 but for the fact that the person engages in substantial gainful activity  
21 under 42 USC 1382c (a) (3), if a waiver under s. 49.45 (38) is in effect or federal law  
22 permits federal financial participation for medical assistance coverage of the person  
23 and if funding is available for the person under s. 46.27 (11) ~~or~~, 46.277, or 46.2785.

24           **SECTION 1154.** 49.46 (1) (a) 15. of the statutes is amended to read:

1           49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the  
2 income and resource eligibility requirements for the federal supplemental security  
3 Supplemental Security Income program under 42 USC 1381 to 1383d.

4           **SECTION 1157.** 49.46 (2) (b) 8. of the statutes is amended to read:

5           49.46 (2) (b) 8. Home or community–based services, if provided under s. 46.27  
6 (11), 46.275, 46.277 ~~or~~, 46.278, or 46.2785, under the family care benefit if a waiver  
7 is in effect under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin  
8 Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).

9           **SECTION 1157j.** 49.46 (2) (f) of the statutes is amended to read:

10           49.46 (2) (f) Benefits under this subsection or s. 49.45 (27) may not include  
11 payment for gastric bypass surgery or gastric stapling surgery unless it is performed  
12 because of a medical emergency the procedure is required to be covered under federal  
13 medicaid law, as interpreted by the federal centers for medicare and medicaid  
14 services.

15           **SECTION 1158.** 49.47 (4) (as) 1. of the statutes is amended to read:

16           49.47 (4) (as) 1. The person would meet the financial and other eligibility  
17 requirements for home or community–based services under s. 46.27 (11) ~~or~~, 46.277,  
18 or 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1)  
19 (c) but for the fact that the person engages in substantial gainful activity under 42  
20 USC 1382c (a) (3).

21           **SECTION 1159.** 49.47 (4) (as) 3. of the statutes is amended to read:

22           49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11) ~~or~~,  
23 46.277, or 46.2785 or under the family care benefit if a waiver is in effect under s.  
24 46.281 (1) (c).

25           **SECTION 1167.** 49.497 (title) of the statutes is amended to read: