



**SECTION 407**

1           **SECTION 407.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

2           48.57 **(3p)** (g) (intro.) Except as provided in par. (h), the county department or,  
3 in a county having a population of 500,000 or more, the department of ~~health and~~  
4 ~~family services~~ may not make payments to a person applying for payments under  
5 sub. (3m) and a person receiving payments under sub. (3m) may not employ a person  
6 in a position in which that person would have regular contact with the child for whom  
7 those payments are being made or permit a person to be an adult resident if any of  
8 the following applies:

9           **SECTION 408.** 48.57 (3p) (g) 3. of the statutes is amended to read:

10          48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944m  
11 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63m or 948.70,  
12 or of a violation of the law of any other state or federal law that would be a violation  
13 of ch. 940, 944m or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,  
14 948.63m or 948.70, if committed in this state, except that a county department or,  
15 in a county having a population of 500,000 or more, the department of ~~health and~~  
16 ~~family services~~ may make payments to a person applying for payments under sub.  
17 (3m) and a person receiving payments under sub. (3m) may employ in a position in  
18 which the person would have regular contact with the child for whom those payments  
19 are being made or permit to be an adult resident a person who has been convicted  
20 of a violation of s. 944.30, 944.31, or 944.33 or of a violation of the law of any other  
21 state or federal law that would be a violation of s. 944.30, 944.31, or 944.33 if  
22 committed in this state, if that violation occurred 20 years or more before the date  
23 of the investigation.

24          **SECTION 409.** 48.57 (3p) (h) 2. of the statutes is amended to read:

1           48.57 (3p) (h) 2. The request for review shall be filed with the director of the  
2 county department or, in a county having a population of 500,000 or more, with the  
3 person designated by the secretary of ~~health and family services~~ to receive requests  
4 for review filed under this subdivision. If the governing body of a federally  
5 recognized American Indian tribe or band has entered into an agreement under sub.  
6 (3t) to administer the program under this subsection and sub. (3m), the request for  
7 review shall be filed with the person designated by that governing body to receive  
8 requests for review filed under this subdivision.

9           **SECTION 410.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

10           48.57 (3p) (h) 3. (intro.) The director of the county department, the person  
11 designated by the governing body of a federally recognized American Indian tribe or  
12 band or, in a county having a population of 500,000 or more, the person designated  
13 by the secretary of ~~health and family services~~ shall review the denial of payments or  
14 the prohibition on employment or being an adult resident to determine if the  
15 conviction record on which the denial or prohibition is based includes any arrests,  
16 convictions, or penalties that are likely to adversely affect the child or the ability of  
17 the kinship care relative to care for the child. In reviewing the denial or prohibition,  
18 the director of the county department, the person designated by the governing body  
19 of the federally recognized American Indian tribe or band or the person designated  
20 by the secretary of ~~health and family services~~ shall consider, ~~but not be limited to,~~  
21 all of the following factors:

22           **SECTION 411.** 48.57 (3p) (h) 4. of the statutes is amended to read:

23           48.57 (3p) (h) 4. If the director of the county department, the person designated  
24 by the governing body of the federally recognized American Indian tribe or band or,  
25 in a county having a population of 500,000 or more, the person designated by the

1 secretary of ~~health and family services~~ determines that the conviction record on  
2 which the denial of payments or the prohibition on employment or being an adult  
3 resident is based does not include any arrests, convictions, or penalties that are likely  
4 to adversely affect the child or the ability of the kinship care relative to care for the  
5 child, the director of the county department, the person designated by the governing  
6 body of the federally recognized American Indian tribe or band, or the person  
7 designated by the secretary of ~~health and family services~~ may approve the making  
8 of payments under sub. (3m) or may permit a person receiving payments under sub.  
9 (3m) to employ a person in a position in which that person would have regular contact  
10 with the child for whom payments are being made or permit a person to be an adult  
11 resident.

12 **SECTION 412.** 48.57 (3p) (i) of the statutes is amended to read:

13 48.57 (3p) (i) A county department and, in a county having a population of  
14 500,000 or more, the department of ~~health and family services~~ shall keep  
15 confidential all information received under this subsection from the department of  
16 justice or the federal bureau of investigation. Such information is not subject to  
17 inspection or copying under s. 19.35.

18 **SECTION 413.** 48.57 (3p) (j) of the statutes is amended to read:

19 48.57 (3p) (j) A county department or, in a county having a population of  
20 500,000 or more, the department of ~~health and family services~~ may charge a fee for  
21 conducting a background investigation under this subsection. The fee may not  
22 exceed the reasonable cost of conducting the investigation.

23 **SECTION 414.** 48.576 of the statutes is created to read:

24 **48.576 Shelter care facilities; general supervision and inspection by**  
25 **department. (1) GENERALLY.** The department shall investigate and supervise all

1 shelter care facilities and familiarize itself with all the circumstances affecting their  
2 management and usefulness.

3 (2) INSPECTIONS. The department shall inquire into the methods of treatment,  
4 instruction, government, and management of children placed in shelter care  
5 facilities; the conduct of the trustees, managers, directors, superintendents, and  
6 other officers and employees of those facilities; the condition of the buildings,  
7 grounds, and all other property pertaining to those facilities; and all other matters  
8 pertaining to the usefulness and management of those facilities; and recommend to  
9 the officers in charge such changes and additional provisions as the department  
10 considers proper.

11 (3) FREQUENCY OF INSPECTIONS. The department shall inspect and investigate  
12 each shelter care facility at least annually and, when directed by the governor, the  
13 department shall conduct a special investigation into a shelter care facility's  
14 management, or anything connected with its management, and report to the  
15 governor the testimony taken, the facts found, and conclusions drawn.

16 (4) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon request  
17 of the department, the attorney general or the district attorney of the proper county  
18 shall aid in any investigation, inspection, hearing, or trial had under the provisions  
19 of this chapter relating to powers of the department, and shall institute and  
20 prosecute all necessary actions or proceedings for the enforcement of those  
21 provisions and for the punishment of violations of those provisions. The attorney  
22 general or district attorney so requested shall report or confer with the department  
23 regarding the request, within 30 days after the receipt of the request.

24 (5) OPPORTUNITY TO INSPECT. All trustees, managers, directors,  
25 superintendents, and other officers or employees of a shelter care facility shall at all

1 times afford to every member of the department and its agents unrestrained facility  
2 for inspection of and free access to all parts of the buildings and grounds and to all  
3 books and papers of the shelter care facility, and shall give, either verbally or in  
4 writing, such information as the department requires. Any person who violates this  
5 subsection shall forfeit not less than \$10 nor more than \$100.

6 (6) TESTIMONIAL POWER; EXPENSES. The department or any person delegated by  
7 the department may administer oaths, take testimony, and cause depositions to be  
8 taken. All expenses of the investigations, including fees of officers and witnesses,  
9 shall be charged to the appropriation for the department.

10 (7) STATISTICS TO BE FURNISHED. Whenever the department is required to collect  
11 statistics, the person or agency shall furnish the required statistics on request.

12 **SECTION 415.** 48.578 of the statutes is created to read:

13 **48.578 Shelter care facilities; establishment, approval, inspection. (1)**

14 The department shall fix reasonable standards and regulations for the design,  
15 construction, repair, and maintenance of shelter care facilities, with respect to their  
16 adequacy and fitness for the needs that they are to serve.

17 (2) The selection and purchase of the site, and the plans, specifications, and  
18 erection of buildings for shelter care facilities shall be subject to the review and  
19 approval of the department. Department review shall include review of the proposed  
20 program to be carried out by the shelter care facility.

21 (3) Before any shelter care facility is occupied, and at least annually thereafter,  
22 the department shall inspect the shelter care facility, with respect to safety,  
23 sanitation, adequacy, and fitness, and report to the authorities managing the shelter  
24 care facility any deficiency found, and order the necessary work to correct that  
25 deficiency. If within 6 months after the inspection the work is not commenced, or not

1 completed within a reasonable period after commencement of the work, to the  
2 satisfaction of the department, the department shall suspend the allowance of state  
3 aid for, and prohibit the use of the shelter care facility, until the order is complied  
4 with.

5 **SECTION 416.** 48.60 (3) of the statutes is amended to read:

6 48.60 (3) Before issuing or continuing any license to a child welfare agency  
7 under this section, the department of ~~health and family services~~ shall review the  
8 need for the additional placement resources that would be made available by  
9 licensing or continuing the license of any child welfare agency after August 5, 1973,  
10 providing care authorized under s. 48.61 (3). Neither the department of ~~health and~~  
11 ~~family services~~ nor the department of corrections may make any placements to any  
12 child welfare agency where the departmental review required under this subsection  
13 has failed to indicate the need for the additional placement resources.

14 **SECTION 417.** 48.62 (5) (d) of the statutes is amended to read:

15 48.62 (5) (d) The department shall request from the secretary of the federal  
16 department of health and human services a waiver of the requirements under 42  
17 USC 670 to 679a that would authorize the state to receive federal foster care and  
18 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of  
19 providing care for a child who is in the care of a guardian who was licensed as the  
20 child's foster parent or treatment foster parent before the guardianship appointment  
21 and who has entered into a subsidized guardianship agreement with the county  
22 department or department. If the waiver is approved for a county having a  
23 population of 500,000 or more, the department shall provide the monthly payments  
24 under par. (a) from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cx), (gx), (kw),  
25 and (mx). If the waiver is approved for any other county, the department shall

1 determine which counties are authorized to provide monthly payments under par.  
2 (a) or (b), and the county departments of those counties shall provide those payments  
3 from moneys received under s. ~~46.495~~ 48.569 (1) (d).

4 **SECTION 418.** 48.627 (2) (c) of the statutes is amended to read:

5 48.627 (2) (c) The department shall conduct a study to determine the  
6 cost-effectiveness of purchasing insurance to provide standard homeowner's or  
7 renter's liability insurance coverage for applicants who are granted a waiver under  
8 par. (b). If the department determines that it would be cost-effective to purchase  
9 such insurance, it may purchase the insurance from the appropriations under s.  
10 ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

11 **SECTION 419.** 48.627 (2c) of the statutes is amended to read:

12 48.627 (2c) The department shall determine the cost-effectiveness of  
13 purchasing private insurance that would provide coverage to foster, treatment foster,  
14 and family-operated group home parents for acts or omissions by or affecting a child  
15 who is placed in a foster home, a treatment foster home, or a family-operated group  
16 home. If this private insurance is cost-effective and available, the department shall  
17 purchase the insurance from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf)  
18 and (pd). If the insurance is unavailable, payment of claims for acts or omissions by  
19 or affecting a child who is placed in a foster home, a treatment foster home, or a  
20 family-operated group home shall be in accordance with subs. (2m) to (3).

21 **SECTION 420.** 48.627 (2m) of the statutes is amended to read:

22 48.627 (2m) Within the limits of the appropriations under s. ~~20.435 (3)~~ 20.437  
23 (1) (cf) and (pd), the department shall pay claims to the extent not covered by any  
24 other insurance and subject to the limitations specified in sub. (3), for bodily injury  
25 or property damage sustained by a licensed foster, treatment foster, or

1 family-operated group home parent or a member of the foster, treatment foster, or  
2 family-operated group home parent's family as a result of the act of a child in the  
3 foster, treatment foster, or family-operated group home parent's care.

4 **SECTION 421.** 48.627 (2s) (intro.) of the statutes is amended to read:

5 48.627 (2s) (intro.) Within the limits of the appropriations under s. 20.435 (3)  
6 20.437 (1) (cf) and (pd), the department may pay claims to the extent not covered by  
7 any other insurance and subject to the limitations specified in sub. (3), for all of the  
8 following:

9 **SECTION 422.** 48.627 (3) (f) of the statutes is amended to read:

10 48.627 (3) (f) If the total amount of the claims approved during any calendar  
11 quarter exceeds 25% of the total funds available during the fiscal year for purposes  
12 of this subsection plus any unencumbered funds remaining from the previous  
13 quarter, the department shall prorate the available funds among the claimants with  
14 approved claims. The department shall also prorate any unencumbered funds  
15 remaining in the appropriation under s. 20.435 (3) 20.437 (1) (cf) at the end of each  
16 fiscal year among the claimants whose claims were prorated during the fiscal year.  
17 Payment of a prorated amount from unencumbered funds remaining at the end of  
18 the fiscal year constitutes a complete payment of the claim for purposes of this  
19 program, but does not prohibit a foster parent or treatment foster parent from  
20 submitting a claim under s. 16.007 for the unpaid portion.

21 **SECTION 423.** 48.627 (4) of the statutes is amended to read:

22 48.627 (4) Except as provided in s. 895.485, the department is not liable for any  
23 act or omission by or affecting a child who is placed in a foster home, treatment foster  
24 home, or family-operated group home, but shall, as provided in this section, pay  
25 claims described under sub. (2m) and may pay claims described under sub. (2s) or



1 may purchase insurance to cover such claims as provided for under sub. (2c), within  
2 the limits of the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

3 **SECTION 424.** 48.63 (1) of the statutes is amended to read:

4 48.63 (1) Acting under court order or voluntary agreement, the child's parent  
5 or guardian or the department of ~~health and family services~~, the department of  
6 corrections, a county department, or a child welfare agency licensed to place children  
7 in foster homes, treatment foster homes, or group homes may place a child or  
8 negotiate or act as intermediary for the placement of a child in a foster home,  
9 treatment foster home, or group home. Voluntary agreements under this subsection  
10 may not be used for placements in facilities other than foster, treatment foster, or  
11 group homes and may not be extended. A foster home or treatment foster home  
12 placement under a voluntary agreement may not exceed 180 days from the date on  
13 which the child was removed from the home under the voluntary agreement. A group  
14 home placement under a voluntary agreement may not exceed 15 days from the date  
15 on which the child was removed from the home under the voluntary agreement,  
16 except as provided in sub. (5). These time limitations do not apply to placements  
17 made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be  
18 made only under this subsection and sub. (5) (b) and shall be in writing and shall  
19 specifically state that the agreement may be terminated at any time by the parent  
20 or guardian or by the child if the child's consent to the agreement is required. The  
21 child's consent to the agreement is required whenever the child is 12 years of age or  
22 older.

23 **SECTION 425.** 48.64 (1) of the statutes is amended to read:

24 48.64 (1) DEFINITION. In this section, "agency" means the department of ~~health~~  
25 ~~and family services~~, the department of corrections, a county department, or a

1 licensed child welfare agency authorized to place children in foster homes, treatment  
2 foster homes, or group homes.

3 **SECTION 426.** 48.66 (1) (a) of the statutes is amended to read:

4 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall  
5 license and supervise child welfare agencies, as required by s. 48.60, group homes,  
6 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care  
7 centers, as required by s. 48.65. The department may license foster homes or  
8 treatment foster homes, as provided by s. 48.62, and may license and supervise  
9 county departments in accordance with the procedures specified in this section and  
10 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the  
11 records and visit the premises of all child welfare agencies, group homes, shelter care  
12 facilities, and day care centers and visit the premises of all foster homes and  
13 treatment foster homes in which children are placed.

14 **SECTION 427.** 48.66 (2m) (a) 1. of the statutes is amended to read:

15 48.66 (2m) (a) 1. Except as provided in subd. 2., the department of health and  
16 family services shall require each applicant for a license under sub. (1) (a) to operate  
17 a child welfare agency, group home, shelter care facility, or day care center who is an  
18 individual to provide that department with the applicant's social security number,  
19 and shall require each applicant for a license under sub. (1) (a) to operate a child  
20 welfare agency, group home, shelter care facility, or day care center who is not an  
21 individual to provide that department with the applicant's federal employer  
22 identification number, when initially applying for or applying to continue the license.

23 **SECTION 428.** 48.66 (2m) (a) 2. of the statutes is amended to read:

24 48.66 (2m) (a) 2. If an applicant who is an individual does not have a social  
25 security number, the applicant shall submit a statement made or subscribed under

1 oath or affirmation to the department of ~~health and family services~~ that the  
2 applicant does not have a social security number. The form of the statement shall  
3 be prescribed by the department of ~~workforce development~~. A license issued in  
4 reliance upon a false statement submitted under this subdivision is invalid.

5 **SECTION 429.** 48.66 (2m) (am) 2. of the statutes is amended to read:

6 48.66 **(2m)** (am) 2. If an applicant who is an individual does not have a social  
7 security number, the applicant shall submit a statement made or subscribed under  
8 oath or affirmation to the department of corrections that the applicant does not have  
9 a social security number. The form of the statement shall be prescribed by the  
10 department of ~~workforce development~~. A license issued in reliance upon a false  
11 statement submitted under this subdivision is invalid.

12 **SECTION 430.** 48.66 (2m) (b) of the statutes is amended to read:

13 48.66 **(2m)** (b) If an applicant who is an individual fails to provide the  
14 applicant's social security number to the department of ~~health and family services~~  
15 or if an applicant who is not an individual fails to provide the applicant's federal  
16 employer identification number to ~~that~~ the department, that department may not  
17 issue or continue a license under sub. (1) (a) to operate a child welfare agency, group  
18 home, shelter care facility, or day care center to or for the applicant unless the  
19 applicant is an individual who does not have a social security number and the  
20 applicant submits a statement made or subscribed under oath or affirmation as  
21 required under par. (a) 2.

22 **SECTION 431.** 48.66 (2m) (c) of the statutes is amended to read:

23 48.66 **(2m)** (c) The subunit of the department of health and family services that  
24 obtains a social security number or a federal employer identification number under  
25 par. (a) 1. may not disclose any that information obtained ~~under par. (a) 1.~~ to any

1 person except to the department of revenue for the sole purpose of requesting  
2 certifications under s. 73.0301 or on the request of the subunit of the department of  
3 workforce development that administers the child and spousal support program  
4 under s. 49.22 (2m).

5 **SECTION 432.** 48.675 (3) (intro.) of the statutes is amended to read:

6 48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from  
7 the appropriation under s. ~~20.435 (6)~~ 20.437 (1) (a) to enable foster parents and  
8 treatment foster parents to attend education programs approved under sub. (2) and  
9 shall promulgate rules concerning disbursement of the funds. Moneys disbursed  
10 under this subsection may be used for the following purposes:

11 **SECTION 433.** 48.685 (5c) (a) of the statutes is amended to read:

12 48.685 (5c) (a) Any person who is permitted but fails under sub. (5) (a) to  
13 demonstrate to the department or a child welfare agency that he or she has been  
14 rehabilitated may appeal to the secretary of ~~health and family services~~ or his or her  
15 designee. Any person who is adversely affected by a decision of the secretary or his  
16 or her designee under this paragraph has a right to a contested case hearing under  
17 ch. 227.

18 **SECTION 434.** 48.715 (6) of the statutes is amended to read:

19 48.715 (6) The department of ~~health and family services~~ shall deny, suspend,  
20 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a  
21 probationary license under s. 48.69 to operate a child welfare agency, group home,  
22 shelter care facility, or day care center, and the department of corrections shall deny,  
23 suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1)  
24 (b) to operate a secured residential care center for children and youth, for failure of  
25 the applicant or licensee to pay court-ordered payments of child or family support,

1 maintenance, birth expenses, medical expenses, or other expenses related to the  
2 support of a child or former spouse or for failure of the applicant or licensee to comply,  
3 after appropriate notice, with a subpoena or warrant issued by the department of  
4 ~~workforce development~~ or a county child support agency under s. 59.53 (5) and  
5 related to paternity or child support proceedings, as provided in a memorandum of  
6 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action  
7 taken under this subsection is subject to review only as provided in the memorandum  
8 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

9 **SECTION 435.** 48.743 of the statutes is created to read:

10 **48.743 Community living arrangements for children.** (1) In this section,  
11 “community living arrangement for children” means a residential care center for  
12 children and youth or a group home.

13 (2) Community living arrangements for children shall be subject to the same  
14 building and housing ordinances, codes, and regulations of the municipality or  
15 county as similar residences located in the area in which the facility is located.

16 (3) The department shall designate a subunit to keep records and supply  
17 information on community living arrangements for children under ss. 59.69 (15) (f),  
18 60.63 (7), and 62.23 (7) (i) 6. The subunit shall be responsible for receiving all  
19 complaints regarding community living arrangements for children and for  
20 coordinating all necessary investigatory and disciplinary actions under the laws of  
21 this state and under the rules of the department relating to the licensing of  
22 community living arrangements for children.

23 (4) A community living arrangement for children with a capacity for 8 or fewer  
24 persons shall be a permissible use for purposes of any deed covenant which limits use  
25 of property to single-family or 2-family residences. A community living

1 arrangement for children with a capacity for 15 or fewer persons shall be a  
2 permissible use for purposes of any deed covenant which limits use of property to  
3 more than 2-family residences. Covenants in deeds which expressly prohibit use of  
4 property for community living arrangements for children are void as against public  
5 policy.

6 (5) If a community living arrangement for children is required to obtain special  
7 zoning permission, as defined in s. 59.69 (15) (g), the department shall, at the request  
8 of the unit of government responsible for granting the special zoning permission,  
9 inspect the proposed facility and review the program proposed for the facility. After  
10 such inspection and review, the department shall transmit to the unit of government  
11 responsible for granting the special zoning permission a statement that the proposed  
12 facility and its proposed program have been examined and are either approved or  
13 disapproved by the department.

14 **SECTION 436.** 48.745 (5) of the statutes is amended to read:

15 48.745 (5) If the county department designates the department to receive  
16 formal complaints, the subunit under s. ~~46.03 (22) (e)~~ 48.743 (3) shall receive the  
17 complaints and the department shall have all the powers and duties granted to the  
18 county department in this section.

19 **SECTION 437.** 48.78 (2) (h) of the statutes is amended to read:

20 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county  
21 department, or a licensed child welfare agency from entering the content of any  
22 record kept or information received by the department, county department, or  
23 licensed child welfare agency into the statewide automated child welfare  
24 information system established under s. ~~46.03~~ 48.47 (7g).

25 **SECTION 438.** 48.839 (1) (d) of the statutes is amended to read:

1           48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county  
2 department or child welfare agency before the child is adopted, the department shall  
3 periodically bill the guardian and the surety under s. ~~46.03 (18) (b) or 46.10~~ 49.32 (1)  
4 (b) or 49.345 for the cost of care and maintenance of the child until the child is adopted  
5 or becomes age 18, whichever is earlier. The guardian and surety shall also be liable  
6 under the bond for costs incurred by the department in enforcing the bond against  
7 the guardian and surety.

8           **SECTION 439.** 48.839 (1) (e) of the statutes is amended to read:

9           48.839 (1) (e) This section does not preclude the department or any other  
10 agency given custody of a child under sub. (4) (b) from collecting under s. ~~46.03 (18)~~  
11 (b) or 46.10 49.32 (1) (b) or 49.345 from the former guardian for costs in excess of the  
12 amount recovered under the bond incurred in enforcing the bond and providing care  
13 and maintenance for the child until he or she reaches age 18 or is adopted.

14           **SECTION 440.** 48.93 (1d) of the statutes is amended to read:

15           48.93 (1d) All records and papers pertaining to an adoption proceeding shall  
16 be kept in a separate locked file and may not be disclosed except under sub. (1g) or  
17 (1r), s. ~~46.03 (29)~~, 48.432, 48.433, 48.434, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order  
18 of the court for good cause shown.

19           **SECTION 441.** 48.98 (2) (d) of the statutes is amended to read:

20           48.98 (2) (d) The department shall periodically bill the person who filed the  
21 bond and the surety under s. ~~46.03 (18) (b) or 46.10~~ 49.32 (1) (b) or 49.345 for the cost  
22 of care and maintenance of the child until the child is adopted or becomes age 18,  
23 whichever is earlier. The guardian and surety shall also be liable under the bond for  
24 costs incurred by the department in enforcing the bond.

25           **SECTION 442.** 48.981 (7) (dm) of the statutes is amended to read:

1           48.981 (7) (dm) Notwithstanding par. (a), an agency may enter the content of  
2 any report or record maintained by the agency into the statewide automated child  
3 welfare information system established under s. 46.03 48.47 (7g).

4           **SECTION 443.** 48.981 (8) (a) of the statutes is amended to read:

5           48.981 (8) (a) The department, the county departments, and a licensed child  
6 welfare agency under contract with the department in a county having a population  
7 of 500,000 or more to the extent feasible shall conduct continuing education and  
8 training programs for staff of the department, the county departments, licensed  
9 child welfare agencies under contract with the department or a county department,  
10 law enforcement agencies, and the tribal social services departments, persons and  
11 officials required to report, the general public, and others as appropriate. The  
12 programs shall be designed to encourage reporting of child abuse and neglect and of  
13 unborn child abuse, to encourage self-reporting and voluntary acceptance of services  
14 and to improve communication, cooperation, and coordination in the identification,  
15 prevention, and treatment of child abuse and neglect and of unborn child abuse.  
16 Programs provided for staff of the department, county departments, and licensed  
17 child welfare agencies under contract with county departments or the department  
18 whose responsibilities include the investigation or treatment of child abuse or  
19 neglect shall also be designed to provide information on means of recognizing and  
20 appropriately responding to domestic abuse, as defined in s. 46.95 49.165 (1) (a). The  
21 department, the county departments, and a licensed child welfare agency under  
22 contract with the department in a county having a population of 500,000 or more  
23 shall develop public information programs about child abuse and neglect and about  
24 unborn child abuse.

25           **SECTION 444.** 48.981 (8) (d) 1. of the statutes is amended to read:



1           48.981 (8) (d) 1. Each agency staff member and supervisor whose  
2 responsibilities include investigation or treatment of child abuse and neglect or of  
3 unborn child abuse shall successfully complete training in child abuse and neglect  
4 protective services and in unborn child abuse protective services approved by the  
5 department. The training shall include information on means of recognizing and  
6 appropriately responding to domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a). The  
7 department shall monitor compliance with this subdivision according to rules  
8 promulgated by the department.

9           **SECTION 445.** 48.982 (2) (g) (intro.) of the statutes is amended to read:

10           48.982 (2) (g) (intro.) In coordination with the ~~departments of health and family~~  
11 ~~services and department and the department of public instruction:~~

12           **SECTION 446.** 48.985 (1) of the statutes is amended to read:

13           48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.  
14 ~~20.435 (3)~~ 20.437 (1) (n), the department shall expend not more than \$273,700 in each  
15 fiscal year of the moneys received under 42 USC 620 to 626 for the department's  
16 expenses in connection with administering the expenditure of funds received under  
17 42 USC 620 to 626 and for child abuse and neglect and unborn child abuse  
18 independent investigations.

19           **SECTION 447.** 48.985 (2) of the statutes is amended to read:

20           48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the  
21 appropriation under s. ~~20.435 (7)~~ 20.437 (1) (o), the department shall distribute not  
22 more than \$3,809,600 in each fiscal year of the moneys received under 42 USC 620  
23 to 626 to county departments under ~~ss. 46.215, 46.22, and 46.23~~ for the provision or  
24 purchase of child welfare projects and services, for services to children and families,

1 for services to the expectant mothers of unborn children, and for family-based child  
2 welfare services.

3 **SECTION 448.** 48.985 (4) of the statutes is amended to read:

4 48.985 (4) ~~RUNAWAY SERVICES.~~ From the appropriation under s. 20.435 (3)  
5 20.437 (1) (na) for runaway services, not more than \$458,600 in each fiscal year.

6 **SECTION 449.** 48.985 (5) of the statutes is repealed.

7 **SECTION 450.** 48.989 (1) (a) of the statutes is amended to read:

8 48.989 (1) (a) "Appropriate authority in the receiving state" means the  
9 department of ~~health and family services.~~

10 **SECTION 451.** 48.989 (1) (b) of the statutes is amended to read:

11 48.989 (1) (b) "Appropriate public authorities" means the department of ~~health~~  
12 ~~and family services,~~ which shall receive and act with reference to notices required  
13 by s. 48.988 (3).

14 **SECTION 452.** 49.11 (1) of the statutes is amended to read:

15 49.11 (1) "Department" means the department of ~~workforce development~~  
16 children and families.

17 **SECTION 453.** 49.143 (2) (b) of the statutes is amended to read:

18 49.143 (2) (b) Establish a children's services network. The children's services  
19 network shall provide information about community resources available to the  
20 dependent children in a Wisconsin works group, including charitable food and  
21 clothing centers; subsidized and low-income housing; transportation subsidies; the  
22 state supplemental food program for women, infants and children under s. ~~253.06~~  
23 49.17; and child care programs. In a county having a population of 500,000 or more,  
24 a children's services network shall, in addition, provide a forum for those persons  
25 who are interested in the delivery of child welfare services and other services to

1 children and families in the geographical area under sub. (6) served by that  
2 children's services network to communicate with and make recommendations to the  
3 providers of those services in that geographical area with respect to the delivery of  
4 those services in that area.

5 **SECTION 454.** 49.147 (6) (cm) 1. of the statutes is amended to read:

6 49.147 (6) (cm) 1. The department of ~~workforce development~~ may, in the  
7 manner provided in s. 49.85, collect job access loan repayments that are delinquent  
8 under the terms of a repayment agreement. The department of ~~workforce~~  
9 ~~development~~ shall credit all delinquent repayments collected by the department of  
10 revenue as a setoff under s. 71.93 to the appropriation account under s. 20.445 (3)  
11 (jL). Use of the process under s. 49.85 does not preclude the department of ~~workforce~~  
12 ~~development~~ from collecting delinquent repayments through other legal means.

13 **SECTION 455.** 49.155 (1g) (c) of the statutes is amended to read:

14 49.155 (1g) (c) From the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)  
15 (mc), transfer \$4,438,200 in fiscal year ~~2005-06~~ 2007-08 and \$4,440,500 in fiscal  
16 year ~~2006-07~~ 2008-09 to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1)  
17 (kx).

18 **SECTION 456.** 49.175 (1) (ze) (title) of the statutes is amended to read:

19 49.175 (1) (ze) (title) *Programs administered by the department of health and*  
20 *family services relating to children and families.*

21 **SECTION 457.** 49.175 (1) (ze) 10m. of the statutes is amended to read:

22 49.175 (1) (ze) 10m. 'Safety services.' For services provided in counties having  
23 a population of 500,000 or more to ensure the safety of children who the department  
24 of ~~health and family services~~ determines may remain at home if appropriate services  
25 are provided, \$5,707,200 in each fiscal year.

1           **SECTION 458.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

2           49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed  
3           under s. 48.62 if a license is required under that section, in a foster home or treatment  
4           foster home located within the boundaries of a federally recognized American Indian  
5           reservation in this state and licensed by the tribal governing body of the reservation,  
6           in a group home licensed under s. 48.625, or in a residential care center for children  
7           and youth licensed under s. 48.60, and has been placed in the foster home, treatment  
8           foster home, group home, or center by a county department under s. 46.215, 46.22,  
9           or 46.23, by the department of health and family services, by the department of  
10          corrections, or by a federally recognized American Indian tribal governing body in  
11          this state under an agreement with a county department.

12          **SECTION 459.** 49.19 (10) (a) of the statutes is amended to read:

13          49.19 (10) (a) Aid under this section may also be granted to a nonrelative who  
14          cares for a child dependent upon the public for proper support in a foster home or  
15          treatment foster home having a license under s. 48.62, in a foster home or treatment  
16          foster home located within the boundaries of a federally recognized American Indian  
17          reservation in this state and licensed by the tribal governing body of the reservation  
18          or in a group home licensed under s. 48.625, regardless of the cause or prospective  
19          period of dependency. The state shall reimburse counties pursuant to the procedure  
20          under s. 46.495 48.569 (2) and the percentage rate of participation set forth in s.  
21          46.495 48.569 (1) (d) for aid granted under this subsection except that if the child does  
22          not have legal settlement in the granting county, state reimbursement shall be at  
23          100%. The county department under s. 46.215 or 46.22 shall determine the legal  
24          settlement of the child. A child under one year of age shall be eligible for aid under

1 this subsection irrespective of any other residence requirement for eligibility within  
2 this section.

3 **SECTION 460.** 49.19 (10) (d) of the statutes is amended to read:

4 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,  
5 treatment foster home, group home, or residential care center for children and youth  
6 by the state when the child is in the custody or guardianship of the state, when the  
7 child is a ward of an American Indian tribal court in this state and the placement is  
8 made under an agreement between the department and the tribal governing body,  
9 or when the child was part of the state's direct service case load and was removed  
10 from the home of a relative specified in sub. (1) (a) as a result of a judicial  
11 determination that continuance in the home of a relative would be contrary to the  
12 child's welfare for any reason and the child is placed by the department of health and  
13 family services or the department of corrections.

14 **SECTION 461.** 49.22 (3m) of the statutes is amended to read:

15 49.22 (3m) The department, acting as a state location service, shall furnish  
16 services under sub. (2) upon request to the department of health and family services,  
17 a county department under s. 46.215, 46.22, or 46.23 or a child welfare agency that  
18 is administering a program operated under 42 USC 620 to 628b or 42 USC 670 to  
19 679a.

20 **SECTION 462.** 49.22 (6) of the statutes is amended to read:

21 49.22 (6) The department shall establish, pursuant to federal and state laws,  
22 rules and regulations, a uniform system of fees for services provided under this  
23 section to individuals not receiving aid under s. ~~46.261~~ 48.645, 49.19, or 49.47;  
24 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under  
25 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term

1 kinship care payments under s. 48.57 (3n). The system of fees may take into account  
2 an individual's ability to pay. Any fee paid and collected under this subsection may  
3 be retained by the county providing the service except for the fee specified in 42 USC  
4 653 (e) (2) for federal parent locator services.

5 **SECTION 463.** 49.27 of the statutes is created to read:

6 **49.27 Legal actions.** The department may sue and be sued.

7 **SECTION 464.** 49.273 of the statutes is created to read:

8 **49.273 Research, investigations.** The secretary shall plan for and establish  
9 within the department a program of research designed to determine the  
10 effectiveness of the treatment, curative, and rehabilitative programs of the various  
11 divisions of the department. The secretary may inquire into any matter affecting  
12 children and families, hold hearings, subpoena witnesses and make  
13 recommendations on those matters to the appropriate public or private agencies.

14 **SECTION 465.** 49.275 of the statutes is amended to read:

15 **49.275 Cooperation with federal government.** The department may  
16 cooperate with the federal government in carrying out federal acts concerning public  
17 assistance under this subchapter and child welfare under ch. 48 and in other matters  
18 of mutual concern under this subchapter pertaining to public welfare and under ch.  
19 48 pertaining to child welfare.

20 **SECTION 466.** 49.32 (1) (a) of the statutes is amended to read:

21 49.32 (1) (a) The Except as provided in s. 49.345 (14) (b) and (c), the department  
22 shall establish a uniform system of fees for services provided or purchased under this  
23 subchapter and ch. 48 by the department, or a county department under s. 46.215,  
24 46.22, or 46.23, except as provided in s. 49.22 (6) and except where when, as  
25 determined by the department, a fee is administratively unfeasible or would

1 significantly prevent accomplishing the purpose of the service. A county department  
2 under s. 46.215, 46.22 or 46.23 shall apply the fees ~~which~~ that it collects under this  
3 program to cover the cost of ~~sueh~~ those services.

4 **SECTION 467.** 49.32 (1) (am) of the statutes is created to read:

5 49.32 (1) (am) Paragraph (a) does not prevent the department from charging  
6 and collecting the cost of adoptive placement investigations and child care as  
7 authorized under s. 48.837 (7).

8 **SECTION 468.** 49.32 (1) (b) of the statutes is amended to read:

9 49.32 (1) (b) Any Except as provided in s. 49.345 (14) (b) and (c), any person  
10 receiving services provided or purchased under par. (a) or the spouse of the person  
11 and, in the case of a minor, the parents of the person, and, in the case of a foreign child  
12 described in s. 48.839 (1) who became dependent on public funds for his or her  
13 primary support before an order granting his or her adoption, the resident of this  
14 state appointed guardian of the child by a foreign court who brought the child into  
15 this state for the purpose of adoption, shall be liable for the services in the amount  
16 of the fee established under par. (a).

17 **SECTION 469.** 49.32 (1) (c) of the statutes is amended to read:

18 49.32 (1) (c) The department shall make collections from the person who in the  
19 opinion of the department is best able to pay, giving due regard to the present needs  
20 of the person or of his or her lawful dependents. The department may bring an action  
21 in the name of the department to enforce the liability established under par. (b). This  
22 paragraph does not apply to the recovery of fees for the care and services specified  
23 under s. 49.345.

24 **SECTION 470.** 49.32 (2) (d) of the statutes is created to read:

1           49.32 (2) (d) The department shall disburse from state or federal funds or both  
2 the entire amount and charge the county for its share under s. 48.569.

3           **SECTION 471.** 49.32 (9) (a) of the statutes is amended to read:

4           49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23  
5 administering aid to families with dependent children shall maintain a monthly  
6 report at its office showing the names of all persons receiving aid to families with  
7 dependent children together with the amount paid during the preceding month.  
8 Each Wisconsin works agency administering Wisconsin works under ss. 49.141 to  
9 49.161 shall maintain a monthly report at its office showing the names of all persons  
10 receiving benefits under s. 49.148 together with the amount paid during the  
11 preceding month. Nothing in this paragraph shall be construed to authorize or  
12 require the disclosure in the report of any information (names, amounts of aid or  
13 otherwise) pertaining to adoptions, or aid furnished for the care of children in foster  
14 homes or treatment foster homes under s. ~~46.261~~ 48.645 or 49.19 (10).

15           **SECTION 472.** 49.32 (11m) of the statutes is created to read:

16           49.32 (11m) CONSOLIDATION OF ALLOCATED TRIBAL FUNDS. The department may  
17 consolidate funds appropriated under s. 20.437 that are authorized or required to be  
18 allocated to federally recognized American Indian tribes or bands into a single  
19 distribution for each tribe or band in each fiscal year.

20           **SECTION 473.** 49.32 (12) of the statutes is amended to read:

21           49.32 (12) ADMINISTRATIVE HEARINGS AND APPEALS. Any hearing under s. 227.42  
22 granted by the department under this subchapter or ch. 48 may be conducted before  
23 the division of hearings and appeals in the department of administration.

24           **SECTION 474.** 49.325 (1) (a) of the statutes is amended to read:



1           49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall  
2 submit its final budget for services directly provided or purchased under this  
3 subchapter and ch. 48 to the department by December 31 annually.

4           **SECTION 475.** 49.325 (2) of the statutes is amended to read:

5           49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed  
6 budget for services directly provided or purchased under this subchapter and ch. 48  
7 to the county executive or county administrator or the county board, the county  
8 departments listed in sub. (1) shall assess needs and inventory resources and  
9 services, using an open public participation process.

10          **SECTION 476.** 49.325 (2g) (a) of the statutes is amended to read:

11          49.325 (2g) (a) The department shall annually submit to the county board of  
12 supervisors in a county with a single-county department or the county boards of  
13 supervisors in counties with a multicounty department a proposed written contract  
14 containing the allocation of funds for services directly provided or purchased under  
15 this subchapter and ch. 48 and such administrative requirements as necessary. The  
16 contract as approved may contain conditions of participation consistent with federal  
17 and state law. The contract may also include provisions necessary to ensure uniform  
18 cost accounting of services. Any changes to the proposed contract shall be mutually  
19 agreed upon. The county board of supervisors in a county with a single-county  
20 department or the county boards of supervisors in counties with a multicounty  
21 department shall approve the contract before January 1 of the year in which it takes  
22 effect unless the department grants an extension. The county board of supervisors  
23 in a county with a single-county department or the county boards of supervisors in  
24 counties with a multicounty department may designate an agent to approve addenda  
25 to any contract after the contract has been approved.

1           **SECTION 477.** 49.325 (2g) (c) of the statutes is amended to read:

2           49.325 (2g) (c) The joint committee on finance may require the department to  
3 submit contracts between county departments under ss. 46.215, 46.22, and 46.23  
4 and providers of services under this subchapter or ch. 48 to the committee for review  
5 and approval.

6           **SECTION 478.** 49.325 (2r) (a) 1. of the statutes is amended to read:

7           49.325 (2r) (a) 1. For services under this subchapter ~~which~~ or ch. 48 that  
8 duplicate or are inconsistent with services being provided or purchased by the  
9 department or other county departments receiving grants-in-aid or reimbursement  
10 from the department.

11           **SECTION 479.** 49.325 (2r) (a) 2. of the statutes is amended to read:

12           49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or  
13 regulations, in which case the department may also arrange for provision of services  
14 under this subchapter or ch. 48 by an alternate agency. The department may not  
15 arrange for provision of services by an alternate agency unless the joint committee  
16 on finance or a review body designated by the committee reviews and approves the  
17 department's determination.

18           **SECTION 480.** 49.325 (3) (a) of the statutes is amended to read:

19           49.325 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the  
20 county board of supervisors of each county or the county boards of supervisors of 2  
21 or more counties jointly shall establish a citizen advisory committee to the county  
22 departments under ss. 46.215, 46.22 and 46.23. The citizen advisory committee shall  
23 advise in the formulation of the budget under sub. (1). Membership on the committee  
24 shall be determined by the county board of supervisors in a county with a  
25 single-county committee or by the county boards of supervisors in counties with a

1 multicounty committee and shall include representatives of those persons receiving  
2 services, providers of services and citizens. A majority of the members of the  
3 committee shall be citizens and consumers of services. At least one member of the  
4 committee shall be chosen from the governing or administrative board of the  
5 community action agency serving the county or counties under s. 49.265, if any. The  
6 committee's membership may not consist of more than 25% county supervisors, nor  
7 of more than 20% services providers. The chairperson of the committee shall be  
8 appointed by the county board of supervisors establishing it. In the case of a  
9 multicounty committee, the chairperson shall be nominated by the committee and  
10 approved by the county boards of supervisors establishing it. The county board of  
11 supervisors in a county with a single-county committee or the county boards of  
12 supervisors in counties with a multicounty committee may designate an agent to  
13 determine the membership of the committee and to appoint the committee  
14 chairperson or approve the nominee.

15 **SECTION 481.** 49.34 (1) of the statutes is amended to read:

16 49.34 (1) All services under this subchapter and ch. 48 purchased by the  
17 department or by a county department under s. 46.215, 46.22m or 46.23 shall be  
18 authorized and contracted for under the standards established under this section.  
19 The department may require the county departments to submit the contracts to the  
20 department for review and approval. For purchases of \$10,000 or less the  
21 requirement for a written contract may be waived by the department. No contract  
22 is required for care provided by foster homes or treatment foster homes that are  
23 required to be licensed under s. 48.62. When the department directly contracts for  
24 services, it shall follow the procedures in this section in addition to meeting  
25 purchasing requirements established in s. 16.75.

1           **SECTION 482.** 49.34 (2) of the statutes is amended to read:

2           49.34 (2) All services purchased under this subchapter and ch. 48 shall meet  
3 standards established by the department and other requirements specified by the  
4 purchaser in the contract. Based on these standards the department shall establish  
5 standards for cost accounting and management information systems that shall  
6 monitor the utilization of the services, and document the specific services in meeting  
7 the service plan for the client and the objective of the service.

8           **SECTION 483.** 49.34 (4) (a) of the statutes is amended to read:

9           49.34 (4) (a) Except as provided in this subsection, maintain a uniform double  
10 entry accounting system and a management information system which are  
11 compatible with cost accounting and control systems prescribed by the department.  
12 The department shall establish a simplified double-entry bookkeeping system for  
13 use by family-operated group homes. Each purchaser shall determine whether a  
14 family-operated group home from which it purchases services shall use the  
15 double-entry accounting system or the simplified system and shall include this  
16 determination in the purchase of service contract. In this paragraph,  
17 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for  
18 which the licensee is one or more individuals who operate not more than one group  
19 home.

20           **SECTION 484.** 49.34 (4) (c) of the statutes is amended to read:

21           49.34 (4) (c) Unless waived by the department, biennially, or annually if  
22 required under federal law, provide the purchaser with a certified financial and  
23 compliance audit report if the care and services purchased exceed \$25,000. The audit  
24 shall follow standards that the department prescribes. A purchaser may waive the

1 requirements of this paragraph for any family-operated group home, as defined in  
2 par. (a), from which it purchases services.

3 **SECTION 485.** 49.34 (5m) (a) 1. of the statutes is amended to read:

4 49.34 (5m) (a) 1. "Provider" means a nonstock corporation organized under ch.  
5 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), and that contracts  
6 under this section to provide client services on the basis of a unit rate per client  
7 service or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 that  
8 contracts under this section to provide client services on the basis of a unit rate per  
9 client service.

10 **SECTION 486.** 49.34 (5m) (b) 1. of the statutes is amended to read:

11 49.34 (5m) (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a  
12 contract for the provision of a rate-based service exceeds allowable costs incurred in  
13 the contract period, the provider may retain from the surplus generated by that  
14 rate-based service up to 5% of the contract amount. A provider that retains a surplus  
15 under this subdivision shall use that retained surplus to cover a deficit between  
16 revenue and allowable costs incurred in any preceding or future contract period for  
17 the same rate-based service that generated the surplus or to address the  
18 programmatic needs of clients served by the same rate-based service that generated  
19 the surplus.

20 **SECTION 487.** 49.34 (5m) (b) 2. of the statutes is amended to read:

21 49.34 (5m) (b) 2. Subject to subd. 3. and par. (em), a provider may accumulate  
22 funds from more than one contract period under this paragraph, except that, if at the  
23 end of a contract period the amount accumulated from all contract periods for a  
24 rate-based service exceeds 10% of the amount of all current contracts for that  
25 rate-based service, the provider shall, at the request of a purchaser, return to that

1 purchaser the purchaser's proportional share of that excess and use any of that  
2 excess that is not returned to a purchaser to reduce the provider's unit rate per client  
3 for that rate-based service in the next contract period. If a provider has held for 4  
4 consecutive contract periods an accumulated reserve for a rate-based service that  
5 is equal to or exceeds 10% of the amount of all current contracts for that rate-based  
6 service, the provider shall apply 50% of that accumulated amount to reducing its unit  
7 rate per client for that rate-based service in the next contract period.

8 **SECTION 488.** 49.34 (5m) (em) of the statutes is created to read:

9 49.34 **(5m)** (em) Notwithstanding par. (b) 1. and 2., a county department under  
10 s. 46.215, 51.42, or 51.437 providing client services in a county having a population  
11 of 500,000 or more or a nonstock, nonprofit corporation providing client services in  
12 such a county may not retain a surplus under par. (b) 1. or accumulate funds under  
13 par. (b) 2. from revenues that are used to meet the maintenance-of-effort  
14 requirement under the federal temporary assistance for needy families program  
15 under 42 USC 601 to 619.

16 **SECTION 489.** 49.345 of the statutes is created to read:

17 **49.345 Cost of care and maintenance; liability; collection and**  
18 **deportation counsel; collections; court actions; recovery.** (1) Liability and  
19 the collection and enforcement of such liability for the care, maintenance, services,  
20 and supplies specified in this section are governed exclusively by this section, except  
21 in cases of child support ordered by a court under s. 48.355 (2) (b) 4., 48.357 (5m) (a),  
22 or 48.363 (2) or ch. 767.

23 **(2)** Except as provided in sub. (14) (b) and (c), any person, including but not  
24 limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m), receiving care,  
25 maintenance, services, and supplies provided by any institution in this state, in

1 which the state is chargeable with all or part of the person's care, maintenance,  
2 services, and supplies, and the person's property and estate, including the  
3 homestead, and the spouse of the person, and the spouse's property and estate,  
4 including the homestead, and, in the case of a minor child, the parents of the person,  
5 and their property and estates, including their homestead, and, in the case of a  
6 foreign child described in s. 48.839 (1) who became dependent on public funds for his  
7 or her primary support before an order granting his or her adoption, the resident of  
8 this state appointed guardian of the child by a foreign court who brought the child  
9 into this state for the purpose of adoption, and his or her property and estate,  
10 including his or her homestead, shall be liable for the cost of the care, maintenance,  
11 services, and supplies in accordance with the fee schedule established by the  
12 department under s. 49.32 (1). If a spouse, widow, or minor, or an incapacitated  
13 person may be lawfully dependent upon the property for his or her support, the court  
14 shall release all or such part of the property and estate from the charges that may  
15 be necessary to provide for the person. The department shall make every reasonable  
16 effort to notify the liable persons as soon as possible after the beginning of the  
17 maintenance, but the notice or the receipt thereof is not a condition of liability.

18 (3) After investigation of the liable persons' ability to pay, the department shall  
19 make collection from the person who in the opinion of the department under all of  
20 the circumstances is best able to pay, giving due regard to relationship and the  
21 present needs of the person or of the lawful dependents. However, the liability of  
22 relatives for maintenance shall be in the following order: first, the spouse of the  
23 person; then, in the case of a minor, the parent or parents.

24 (4) (a) If a person liable under sub. (2) fails to make payment or enter into or  
25 comply with an agreement for payment, the department may bring an action to

1 enforce the liability or may issue an order to compel payment of the liability. Any  
2 person aggrieved by an order issued by the department under this paragraph may  
3 appeal the order as a contested case under ch. 227 by filing with the department a  
4 request for a hearing within 30 days after the date of the order.

5 (b) If judgment is rendered in an action brought under par. (a) for any balance  
6 that is 90 or more days past due, interest at the rate of 12 percent per year shall be  
7 computed by the clerk and added to the liable person's costs. That interest shall  
8 begin on the date on which payment was due and shall end on the day before the date  
9 of any interest that is computed under s. 814.04 (4).

10 (c) If the department issues an order to compel payment under par. (a), interest  
11 at the rate of 12 percent per year shall be computed by the department and added  
12 at the time of payment to the person's liability. That interest shall begin on the date  
13 on which payment was due and shall end on the day before the date of final payment.

14 (5) If any person named in an order to compel payment issued under sub. (4)  
15 (a) fails to pay the department any amount due under the terms of the order, and no  
16 contested case to review the order is pending, and the time for filing for a contested  
17 case review has expired, the department may present a certified copy of the order to  
18 the circuit court for any county. The circuit court shall, without notice, render  
19 judgment in accordance with the order. A judgment rendered under this subsection  
20 shall have the same effect and shall be entered in the judgment and lien docket and  
21 may be enforced in the same manner as if the judgment had been rendered in an  
22 action tried and determined by the circuit court.

23 (6) The sworn statement of the collection and deportation counsel, or of the  
24 secretary, shall be evidence of the fee and of the care and services received by the  
25 person.



1           (7) The department shall administer and enforce this section. It shall appoint  
2           an attorney to be designated "collection and deportation counsel" and other  
3           necessary assistants. The department may delegate to the collection and  
4           deportation counsel such other powers and duties as it considers advisable. The  
5           collection and deportation counsel or any of the assistants may administer oaths,  
6           take affidavits and testimony, examine public records, and subpoena witnesses and  
7           the production of books, papers, records, and documents material to any matter of  
8           proceeding relating to payments for the cost of maintenance. The department shall  
9           encourage agreements or settlements with the liable person, having due regard to  
10          ability to pay and the present needs of lawful dependents.

11          (8) The department may do any of the following:

12          (a) Appear for the state in any and all collection and deportation matters  
13          arising in the several courts, and may commence suit in the name of the department  
14          to recover the cost of maintenance against the person liable therefor.

15          (b) Determine whether any person is subject to deportation, and on behalf of  
16          this state enter into reciprocal agreements with other states for deportation and  
17          importation of persons who are public charges, upon such terms as will protect the  
18          state's interests and promote mutual amicable relations with other states.

19          (c) From time to time investigate the financial condition and needs of persons  
20          liable under sub. (2), their present ability to maintain themselves, the persons legally  
21          dependent upon them for support, the protection of the property and investments  
22          from which they derive their living and their care and protection, for the purpose of  
23          ascertaining the person's ability to make payment in whole or in part.

24          (d) After due regard to the case and to a spouse and minor children who are  
25          lawfully dependent on the property for support, compromise or waive any portion of

1 any claim of the state or county for which a person specified under sub. (2) is liable,  
2 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other  
3 3rd party.

4 (e) Make an agreement with a person who is liable under sub. (2), or who may  
5 be willing to assume the cost of maintenance of any person, providing for the  
6 payment of such costs at a specified rate or amount.

7 (f) Make adjustment and settlement with the several counties for their proper  
8 share of all moneys collected.

9 (g) Pay quarterly from the appropriation under s. 20.437 (1) (gg) the collection  
10 moneys due county departments under ss. 46.22 and 46.23. Payments shall be made  
11 as soon after the close of each quarter as is practicable.

12 **(9)** Any person who willfully testifies falsely as to any material matter in an  
13 investigation or proceeding under this section shall be guilty of perjury. Banks,  
14 employers, insurers, savings banks, savings and loan associations, brokers, and  
15 fiduciaries, upon request of the department, shall furnish in writing and duly  
16 certified, full information regarding the property, earnings, or income or any funds  
17 deposited to the credit of or owing to any person liable under sub. (2). That certified  
18 statement shall be admissible in evidence in any action or proceeding to compel  
19 payment under this section, and shall be evidence of the facts stated in the certified  
20 statement, if a copy of the statement is served upon the party sought to be charged  
21 not less than 3 days before the hearing.

22 **(10)** The department shall make all reasonable and proper efforts to collect all  
23 claims for maintenance, to keep payments current, and periodically to review all  
24 unpaid claims.

1           (11) (a) Except as provided in par. (b), in any action to recover from a person  
2 liable under this section, the statute of limitations may be pleaded in defense.

3           (b) If a person who is liable under this section is deceased, a claim may be filed  
4 against the decedent's estate and the statute of limitations specified in s. 859.02 shall  
5 be exclusively applicable. This paragraph applies to liability incurred on or after  
6 July 20, 1985.

7           (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in  
8 sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in  
9 residential, nonmedical facilities such as group homes, foster homes, treatment  
10 foster homes, subsidized guardianship homes, and residential care centers for  
11 children and youth is determined in accordance with the cost-based fee established  
12 under s. 49.32 (1). The department shall bill the liable person up to any amount of  
13 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party  
14 benefits, subject to rules that include formulas governing ability to pay established  
15 by the department under s. 49.32 (1). Any liability of the person not payable by any  
16 other person terminates when the person reaches age 18, unless the liable person has  
17 prevented payment by any act or omission.

18           (b) Except as provided in par. (c), and subject to par. (cm), liability of a parent  
19 specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the parent's minor  
20 child who has been placed by a court order under s. 48.355 or 48.357 in a residential,  
21 nonmedical facility such as a group home, foster home, treatment foster home,  
22 subsidized guardianship home, or residential care center for children and youth  
23 shall be determined by the court by using the percentage standard established by the  
24 department under s. 49.22 (9) and by applying the percentage standard in the  
25 manner established by the department under par. (g).

1           (c) Upon request by a parent, the court may modify the amount of child support  
2 payments determined under par. (b), subject to par. (cm), if, after considering the  
3 following factors, the court finds by the greater weight of the credible evidence that  
4 the use of the percentage standard is unfair to the child or to either of the parents:

5           1. The needs of the child.

6           2. The physical, mental, and emotional health needs of the child, including any  
7 costs for the child's health insurance provided by a parent.

8           3. The standard of living and circumstances of the parents, including the needs  
9 of each parent to support himself or herself at a level equal to or greater than that  
10 established under 42 USC 9902 (2).

11           4. The financial resources of the parents.

12           5. The earning capacity of each parent, based on each parent's education,  
13 training, and work experience and based on the availability of work in or near the  
14 parent's community.

15           6. The need and capacity of the child for education, including higher education.

16           7. The age of the child.

17           8. The financial resources and the earning ability of the child.

18           9. The needs of any person, including dependent children other than the child,  
19 whom either parent is legally obligated to support.

20           10. The best interests of the child, including, but not limited to, the impact on  
21 the child of expenditures by the family for improvement of any conditions in the home  
22 that would facilitate the reunification of the child with the child's family, if  
23 appropriate, and the importance of a placement that is the least restrictive of the  
24 rights of the child and the parents and the most appropriate for meeting the needs  
25 of the child and the family.

1           11. Any other factors that the court in each case determines are relevant.

2           (cm) 1. Except as provided in subd. 2., if a parent who is required to pay child  
3 support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the  
4 child for whom support is ordered, the amount of the child support payments  
5 determined under par. (b) or (c) may not exceed the amount of the adoption assistance  
6 maintenance payments under s. 48.975 (3) (a). If an agreement under s. 48.975 (4)  
7 is in effect that provides for a payment of \$0 under s. 48.975 (3) (a), the payment of  
8 \$0 shall be considered to be an adoption assistance maintenance payment for  
9 purposes of this subdivision.

10           2. Subdivision 1. does not apply if, after considering the factors under par. (c)  
11 1. to 11., the court finds by the greater weight of the credible evidence that limiting  
12 the amount of the child support payments to the amount of the adoption assistance  
13 maintenance payments under s. 48.975 (3) (a) is unfair to the child or to either of the  
14 parents.

15           (d) If the court finds under par. (c) that use of the percentage standard is unfair  
16 to the minor child or either of the parents, the court shall state in writing or on the  
17 record the amount of support that would be required by using the percentage  
18 standard, the amount by which the court's order deviates from that amount, its  
19 reasons for finding that use of the percentage standard is unfair to the child or the  
20 parent, its reasons for the amount of the modification, and the basis for the  
21 modification.

22           (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), or 48.363 (2)  
23 for support determined under this subsection constitutes an assignment of all  
24 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or  
25 108, and other money due or to be due in the future to the county department under

1 s. 46.22 or 46.23 in the county where the order was entered or to the department,  
2 depending upon the placement of the child as specified by rules promulgated under  
3 subd. 5. The assignment shall be for an amount sufficient to ensure payment under  
4 the order.

5 2. Except as provided in subd. 3., for each payment made under the assignment,  
6 the person from whom the payer under the order receives money shall receive an  
7 amount equal to the person's necessary disbursements, not to exceed \$3, which shall  
8 be deducted from the money to be paid to the payer.

9 3. Benefits under ch. 108 may be assigned and withheld only in the manner  
10 provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 shall be for  
11 an amount certain. When money is to be withheld from these benefits, no fee may  
12 be deducted from the amount withheld and no fine may be levied for failure to  
13 withhold the money.

14 4. No employer may use an assignment under this paragraph as a basis for the  
15 denial of employment to a person, the discharge of an employee, or any disciplinary  
16 action against an employee. An employer who denies employment or discharges or  
17 disciplines an employee in violation of this subdivision may be fined not more than  
18 \$500 and may be required to make full restitution to the aggrieved person, including  
19 reinstatement and back pay. Except as provided in this subdivision, restitution shall  
20 be in accordance with s. 973.20. An aggrieved person may apply to the district  
21 attorney or to the department of workforce development for enforcement of this  
22 subdivision.

23 5. The department shall promulgate rules for the operation and  
24 implementation of assignments under this paragraph.

1 (f) If the amount of the child support determined under this subsection is  
2 greater than the cost for the care and maintenance of the minor child in the  
3 residential, nonmedical facility, the assignee under par. (e) 1. shall expend or  
4 otherwise dispose of any funds that are collected in excess of the cost of such care and  
5 maintenance in a manner that the assignee determines will serve the best interests  
6 of the minor child.

7 (16) The department shall delegate to county departments under ss. 46.22 and  
8 46.23 or the local providers of care and services meeting the standards established  
9 by the department under s. 49.34 the responsibilities vested in the department under  
10 this section for collection of fees for services other than those provided at state  
11 facilities, if the county departments or providers meet the conditions that the  
12 department determines are appropriate. The department may delegate to county  
13 departments under ss. 46.22 and 46.23 the responsibilities vested in the department  
14 under this section for collection of fees for services provided at the state facilities if  
15 the necessary conditions are met.

16 **SECTION 490.** 49.35 (1) (a) of the statutes is amended to read:

17 49.35 (1) (a) The department shall supervise the administration of programs  
18 under this subchapter and ch. 48. The department shall submit to the federal  
19 authorities state plans for the administration of programs under this subchapter and  
20 ch. 48 in such form and containing such information as the federal authorities  
21 require, and shall comply with all requirements prescribed to ensure their  
22 correctness.

23 **SECTION 491.** 49.35 (1) (b) of the statutes is amended to read:

24 49.35 (1) (b) All records of the department and all county records relating to  
25 programs under this subchapter and ch. 48 and aid under s. 49.18, 1971 stats., s.

1 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,  
2 shall be open to inspection at all reasonable hours by authorized representatives of  
3 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county  
4 records relating to the administration of the services and public assistance specified  
5 in this paragraph shall be open to inspection at all reasonable hours by authorized  
6 representatives of the department.

7 **SECTION 492.** 49.35 (2) of the statutes is amended to read:

8 49.35 (2) The county administration of all laws relating to programs under this  
9 subchapter and ch. 48 shall be vested in the officers and agencies designated in the  
10 statutes.

11 **SECTION 493.** 49.78 (5) of the statutes is amended to read:

12 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain  
13 qualifications of applicants in any county department administering aid to families  
14 with dependent children shall be given by the administrator of the division of merit  
15 recruitment and selection in the office of state employment relations. The office of  
16 state employment relations shall be reimbursed for actual expenditures incurred in  
17 the performance of its functions under this section from the appropriations available  
18 to the department of ~~health and family services~~ children and families for  
19 administrative expenditures.

20 **SECTION 494.** 49.855 (2r) of the statutes is created to read:

21 49.855 (2r) At least annually, the department of children and families shall  
22 certify to the department of revenue any obligation owed to that department under  
23 s. 49.345 if the obligation is rendered to a judgment.

24 **SECTION 495.** 49.855 (3) of the statutes is amended to read:



1           49.855 (3) Receipt of a certification by the department of revenue shall  
2 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
3 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
4 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines  
5 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the  
6 obligor that the state intends to reduce any state tax refund or credit due the obligor  
7 by the amount the obligor is delinquent under the support, maintenance, or receiving  
8 and disbursing fee order or obligation, by the outstanding amount for past support,  
9 medical expenses, or birth expenses under the court order, or by the amount due  
10 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20  
11 days the obligor may request a hearing before the circuit court rendering the order  
12 under which the obligation arose. Within 10 days after receiving a request for  
13 hearing under this subsection, the court shall set the matter for hearing. Pending  
14 further order by the court or a circuit court commissioner, the department of  
15 ~~workforce development~~ children and families or its designee, whichever is  
16 appropriate, is prohibited from disbursing the obligor's state tax refund or credit.  
17 A circuit court commissioner may conduct the hearing. The sole issues at that  
18 hearing shall be whether the obligor owes the amount certified and, if not and it is  
19 a support or maintenance order, whether the money withheld from a tax refund or  
20 credit shall be paid to the obligor or held for future support or maintenance, except  
21 that the obligor's ability to pay shall also be an issue at the hearing if the obligation  
22 relates to an order under s. 767.51 (3) (e) 1. or ~~767.62 (4) (d) 1.~~ s. 767.89 (3) (e) 1. or  
23 767.805 (4) (d) 1. and the order specifies that the court found that the obligor's income  
24 was at or below the poverty line established under 42 USC 9902 (2).

25           **SECTION 496.** 49.855 (4m) (b) of the statutes is amended to read:

1           49.855 (4m) (b) The department of revenue may provide a certification that it  
2 receives under sub. (1), (2m), or (2p) to the department of administration. Upon  
3 receipt of the certification, the department of administration shall determine  
4 whether the obligor is a vendor or is receiving any other payments from this state,  
5 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
6 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration  
7 determines that the obligor is a vendor or is receiving payments from this state,  
8 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
9 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount  
10 certified from those payments and shall notify the obligor that the state intends to  
11 reduce any payments due the obligor by the amount the obligor is delinquent under  
12 the support, maintenance, or receiving and disbursing fee order or obligation, by the  
13 outstanding amount for past support, medical expenses, or birth expenses under the  
14 court order, or by the amount due under s. 46.10 (4), ~~49.345 (4)~~, or 301.12 (4). The  
15 notice shall provide that within 20 days after receipt of the notice the obligor may  
16 request a hearing before the circuit court rendering the order under which the  
17 obligation arose. An obligor may, within 20 days after receiving notice, request a  
18 hearing under this paragraph. Within 10 days after receiving a request for hearing  
19 under this paragraph, the court shall set the matter for hearing. A circuit court  
20 commissioner may conduct the hearing. Pending further order by the court or circuit  
21 court commissioner, the department of workforce development or its designee,  
22 whichever is appropriate, may not disburse the payments withheld from the obligor.  
23 The sole issues at the hearing are whether the obligor owes the amount certified and,  
24 if not and it is a support or maintenance order, whether the money withheld shall be  
25 paid to the obligor or held for future support or maintenance, except that the obligor's

1 ability to pay is also an issue at the hearing if the obligation relates to an order under  
2 s. 767.51 (3) (e) 1. or ~~767.62 (4) (d) 1.~~ s. 767.89 (3) (e) 1. or 767.805 (4) (d) 1. and the  
3 order specifies that the court found that the obligor's income was at or below the  
4 poverty line established under 42 USC 9902 (2).

5 **SECTION 497.** 49.90 (4) of the statutes is amended to read:

6 49.90 (4) The circuit court shall in a summary way hear the allegations and  
7 proofs of the parties and by order require maintenance from these relatives, if they  
8 have sufficient ability, considering their own future maintenance and making  
9 reasonable allowance for the protection of the property and investments from which  
10 they derive their living and their care and protection in old age, in the following  
11 order: First the husband or wife; then the father and the mother; and then the  
12 grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify  
13 a sum which will be sufficient for the support of the dependent person under sub. (1)  
14 (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be  
15 paid weekly or monthly, during a period fixed by the order or until the further order  
16 of the court. If the court is satisfied that any such relative is unable wholly to  
17 maintain the dependent person or the child, but is able to contribute to the person's  
18 support or the child's maintenance, the court may direct 2 or more of the relatives  
19 to maintain the person or the child and prescribe the proportion each shall  
20 contribute. If the court is satisfied that these relatives are unable together wholly  
21 to maintain the dependent person or the child, but are able to contribute to the  
22 person's support or the child's maintenance, the court shall direct a sum to be paid  
23 weekly or monthly by each relative in proportion to ability. Contributions directed  
24 by court order, if for less than full support, shall be paid to the department of health  
25 and family services or the department of children and families, whichever is

1 appropriate, and distributed as required by state and federal law. An order under  
2 this subsection that relates to maintenance required under sub. (1) (a) 2. shall  
3 specifically assign responsibility for and direct the manner of payment of the child's  
4 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon  
5 application of any party affected by the order and upon like notice and procedure, the  
6 court may modify such an order. Obedience to such an order may be enforced by  
7 proceedings for contempt.

8 **SECTION 498.** 50.01 (1g) (b) of the statutes is amended to read:

9 50.01 **(1g)** (b) A facility or private home that provides care, treatment, and  
10 services only for victims of domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a), and  
11 their children.

12 **SECTION 499.** 51.30 (4) (b) 27. of the statutes is amended to read:

13 51.30 **(4)** (b) 27. For the purpose of entering information concerning the subject  
14 individual into the statewide automated child welfare information system  
15 established under s. ~~46.03~~ 48.47 (7g).

16 **SECTION 500.** 51.42 (3) (as) 1. of the statutes is amended to read:

17 51.42 **(3)** (as) 1. A county department of community programs shall authorize  
18 all care of any patient in a state, local, or private facility under a contractual  
19 agreement between the county department of community programs and the facility,  
20 unless the county department of community programs governs the facility. The need  
21 for inpatient care shall be determined by the program director or designee in  
22 consultation with and upon the recommendation of a licensed physician trained in  
23 psychiatry and employed by the county department of community programs or its  
24 contract agency. In cases of emergency, a facility under contract with any county  
25 department of community programs shall charge the county department of

1 community programs having jurisdiction in the county where the patient is found.  
2 The county department of community programs shall reimburse the facility for the  
3 actual cost of all authorized care and services less applicable collections under s.  
4 46.036, unless the department of health and family services determines that a  
5 charge is administratively infeasible, or unless the department of health and family  
6 services, after individual review, determines that the charge is not attributable to the  
7 cost of basic care and services. Except as provided in subd. 1m., a county department  
8 of community programs may not reimburse any state institution or receive credit for  
9 collections for care received ~~therein~~ in a state institution by nonresidents of this  
10 state, interstate compact clients, transfers under s. 51.35 (3), and transfers from  
11 Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977  
12 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s.  
13 975.17, 1977 stats., or children placed in the guardianship of the department of  
14 ~~health and family services~~ children and families under s. 48.427 or 48.43 or under  
15 the supervision of the department of corrections under s. 938.183 or 938.355. The  
16 exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which  
17 that are attributable to care and treatment of the client.

18 **SECTION 501.** 51.437 (4rm) (a) of the statutes is amended to read:

19 51.437 (4rm) (a) A county department of developmental disabilities services  
20 shall authorize all care of any patient in a state, local, or private facility under a  
21 contractual agreement between the county department of developmental disabilities  
22 services and the facility, unless the county department of developmental disabilities  
23 services governs the facility. The need for inpatient care shall be determined by the  
24 program director or designee in consultation with and upon the recommendation of  
25 a licensed physician trained in psychiatry and employed by the county department

1 of developmental disabilities services or its contract agency prior to the admission  
2 of a patient to the facility except in the case of emergency services. In cases of  
3 emergency, a facility under contract with any county department of developmental  
4 disabilities services shall charge the county department of developmental  
5 disabilities services having jurisdiction in the county where the individual receiving  
6 care is found. The county department of developmental disabilities services shall  
7 reimburse the facility, except as provided under par. (c), for the actual cost of all  
8 authorized care and services less applicable collections under s. 46.036, unless the  
9 department of health and family services determines that a charge is  
10 administratively infeasible, or unless the department of health and family services,  
11 after individual review, determines that the charge is not attributable to the cost of  
12 basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to  
13 direct and indirect costs which are attributable to care and treatment of the client.  
14 County departments of developmental disabilities services may not reimburse any  
15 state institution or receive credit for collections for care received therein in a state  
16 institution by nonresidents of this state, interstate compact clients, transfers under  
17 s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,  
18 or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., children  
19 placed in the guardianship of the department of ~~health and family services~~ children  
20 and families under s. 48.427 or 48.43 or juveniles under the supervision of the  
21 department of corrections under s. 938.183 or 938.355.

22 **SECTION 502.** 59.52 (4) (a) 18. of the statutes is amended to read:

23 59.52 (4) (a) 18. Case records and other record material of all public assistance  
24 that are kept as required under ch. 49, if no payments have been made for at least  
25 3 years and if a face sheet or similar record of each case and a financial record of all

1 payments for each aid account are preserved in accordance with rules adopted by the  
2 department of health and family services, by the department of children and  
3 families, or by the department of workforce development. If the department of health  
4 and family services, the department of children and families, or the department of  
5 workforce development has preserved such case records and other record material  
6 on computer disc or tape or similar device, a county may destroy the original records  
7 and record material under rules adopted by the department that has preserved those  
8 case records or other record material.

9 **SECTION 503.** 59.53 (3) of the statutes is amended to read:

10 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for  
11 promoting and assisting any community action agency under s. 46.30 ~~49.265~~.

12 **SECTION 504.** 59.53 (5) (a) of the statutes is amended to read:

13 59.53 (5) (a) The board shall contract with the department of ~~workforce~~  
14 ~~development~~ children and families to implement and administer the child and  
15 spousal support and establishment of paternity and the medical support liability  
16 programs provided for by Title IV of the federal social security act. The board may  
17 designate by board resolution any office, officer, board, department, or agency, except  
18 the clerk of circuit court, as the county child support agency. The board or county  
19 child support agency shall implement and administer the programs in accordance  
20 with the contract with the department of ~~workforce development~~ children and  
21 families. The attorneys responsible for support enforcement under sub. (6) (a),  
22 circuit court commissioners, and all other county officials shall cooperate with the  
23 county and the department of ~~workforce development~~ children and families as  
24 necessary to provide the services required under the programs. The county shall  
25 charge the fee established by the department of ~~workforce development~~ children and

1 families under s. 49.22 for services provided under this paragraph to persons not  
2 receiving benefits under s. 49.148 or 49.155 or assistance under s. ~~46.261~~, 48.645,  
3 49.19, or 49.47.

4 **SECTION 505.** 59.69 (15) (intro.) of the statutes is amended to read:

5 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes  
6 of this section, the location of a community living arrangement for adults, as defined  
7 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743  
8 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in  
9 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any municipality,  
10 shall be subject to the following criteria:

11 **SECTION 506.** 59.69 (15) (c) of the statutes is amended to read:

12 59.69 (15) (c) ~~Where~~ If the community living arrangement has capacity for 8  
13 or fewer persons being served by the program, meets the criteria listed in pars. (a)  
14 and (b), and is licensed, operated, or permitted under the authority of the department  
15 of health and family services or the department of children and families, that facility  
16 is entitled to locate in any residential zone, without being required to obtain special  
17 zoning permission except as provided in par. (i).

18 **SECTION 507.** 59.69 (15) (d) of the statutes is amended to read:

19 59.69 (15) (d) ~~Where~~ If the community living arrangement has capacity for 9  
20 to 15 persons being served by the program, meets the criteria listed in pars. (a) and  
21 (b), and is licensed, or operated, or permitted under the authority of the department  
22 of health and family services or the department of children and families, the facility  
23 is entitled to locate in any residential area except areas zoned exclusively for  
24 single-family or 2-family residences, except as provided in par. (i), but is entitled to  
25 apply for special zoning permission to locate in those areas. The municipality may



**SECTION 507**

1 grant special zoning permission at its discretion and shall make a procedure  
2 available to enable such facilities to request such permission.

3 **SECTION 508.** 59.69 (15) (e) of the statutes is amended to read:

4 59.69 (15) (e) ~~Where~~ If the community living arrangement has capacity for  
5 serving 16 or more persons, meets the criteria listed in pars. (a) and (b), and is  
6 licensed, operated, or permitted under the authority of the department of health and  
7 family services or the department of children and families, that facility is entitled to  
8 apply for special zoning permission to locate in areas zoned for residential use. The  
9 municipality may grant special zoning permission at its discretion and shall make  
10 a procedure available to enable such facilities to request such permission.

11 **SECTION 509.** 59.69 (15) (f) of the statutes is amended to read:

12 59.69 (15) (f) The department of health and family services shall designate a  
13 single subunit within ~~the~~ that department to maintain appropriate records  
14 indicating the location and the capacity of each community living arrangement for  
15 adults, and the information shall be available to the public. The department of  
16 children and families shall designate a single subunit within that department to  
17 maintain appropriate records indicating the location and the capacity of each  
18 community living arrangement for children, and the information shall be available  
19 to the public.

20 **SECTION 510.** 59.69 (15) (h) of the statutes is amended to read:

21 59.69 (15) (h) The attorney general shall take action, upon the request of the  
22 department of health and family services or the department of children and families,  
23 to enforce compliance with this subsection.

24 **SECTION 511.** 60.63 (intro.) of the statutes is amended to read:

1           **60.63 Community and other living arrangements.** (intro.) For purposes  
2 of s. 60.61, the location of a community living arrangement for adults, as defined in  
3 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743  
4 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in  
5 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any town shall  
6 be subject to the following criteria:

7           **SECTION 512.** 60.63 (4) of the statutes is amended to read:

8           **60.63 (4)** If the community living arrangement has capacity for 8 or fewer  
9 persons being served by the program, meets the criteria listed in subs. (1) and (2),  
10 and is licensed, operated, or permitted under the authority of the department of  
11 health and family services or the department of children and families, the  
12 community living arrangement is entitled to locate in any residential zone, without  
13 being required to obtain special zoning permission except as provided under sub.  
14 (10).

15           **SECTION 513.** 60.63 (5) of the statutes is amended to read:

16           **60.63 (5)** In all cases where the community living arrangement has capacity  
17 for 9 to 15 persons being served by the program, meets the criteria listed in subs. (1)  
18 and (2), and is licensed, operated, or permitted under the authority of the department  
19 of health and family services or the department of children and families, that facility  
20 is entitled to locate in any residential area except areas zoned exclusively for  
21 single-family or 2-family residences except as provided in sub. (10), but is entitled  
22 to apply for special zoning permission to locate in those areas. The town may grant  
23 such special zoning permission at its discretion and shall make a procedure available  
24 to enable such facilities to request such permission.

25           **SECTION 514.** 60.63 (6) of the statutes is amended to read:

**SECTION 514**

1           60.63 (6) In all cases where the community living arrangement has capacity  
2 for serving 16 or more persons, meets the criteria listed in subs. (1) and (2), and is  
3 licensed, operated, or permitted under the authority of the department of health and  
4 family services or the department of children and families, that facility is entitled to  
5 apply for special zoning permission to locate in areas zoned for residential use. The  
6 town may grant such special zoning permission at its discretion and shall make a  
7 procedure available to enable such facilities to request such permission.

8           **SECTION 515.** 60.63 (7) of the statutes is amended to read:

9           60.63 (7) The department of health and family services shall designate a single  
10 subunit within the that department to maintain appropriate records indicating the  
11 location and the capacity of each community living arrangement for adults, and such  
12 information shall be available to the public. The department of children and families  
13 shall designate a single subunit within that department to maintain appropriate  
14 records indicating the location and the capacity of each community living  
15 arrangement for children, and such information shall be available to the public.

16           **SECTION 516.** 60.63 (9) of the statutes is amended to read:

17           60.63 (9) The attorney general shall take all necessary action, upon the request  
18 of the department of health and family services or the department of children and  
19 families, to enforce compliance with this section.

20           **SECTION 517.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

21           62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes  
22 of this section, the location of a community living arrangement for adults, as defined  
23 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743  
24 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in

1 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any city shall be  
2 subject to the following criteria:

3 **SECTION 518.** 62.23 (7) (i) 3. of the statutes is amended to read:

4 62.23 (7) (i) 3. In all cases where the community living arrangement has  
5 capacity for 8 or fewer persons being served by the program, meets the criteria listed  
6 in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the  
7 department of health and family services or the department of children and families,  
8 that facility is entitled to locate in any residential zone, without being required to  
9 obtain special zoning permission except as provided in subd. 9.

10 **SECTION 519.** 62.23 (7) (i) 4. of the statutes is amended to read:

11 62.23 (7) (i) 4. In all cases where the community living arrangement has  
12 capacity for 9 to 15 persons being served by the program, meets the criteria listed in  
13 subds. 1. and 2., and is licensed, operated, or permitted under the authority of the  
14 department of health and family services or the department of children and families,  
15 that facility is entitled to locate in any residential area except areas zoned exclusively  
16 for single-family or 2-family residences except as provided in subd. 9., but is entitled  
17 to apply for special zoning permission to locate in those areas. The city may grant  
18 such special zoning permission at its discretion and shall make a procedure available  
19 to enable such facilities to request such permission.

20 **SECTION 520.** 62.23 (7) (i) 5. of the statutes is amended to read:

21 62.23 (7) (i) 5. In all cases where the community living arrangement has  
22 capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2.,  
23 and is licensed, operated, or permitted under the authority of the department of  
24 health and family services or the department of children and families, that facility  
25 is entitled to apply for special zoning permission to locate in areas zoned for

1 residential use. The city may grant such special zoning permission at its discretion  
2 and shall make a procedure available to enable such facilities to request such  
3 permission.

4 **SECTION 521.** 62.23 (7) (i) 6. of the statutes is amended to read:

5 62.23 (7) (i) 6. The department of health and family services shall designate  
6 a single subunit within ~~the~~ that department to maintain appropriate records  
7 indicating the location and number of persons served by each community living  
8 arrangement for adults, and such information shall be available to the public. The  
9 department of children and families shall designate a single subunit within that  
10 department to maintain appropriate records indicating the location and number of  
11 persons served by each community living arrangement for children, and such  
12 information shall be available to the public.

13 **SECTION 522.** 62.23 (7) (i) 8. of the statutes is amended to read:

14 62.23 (7) (i) 8. The attorney general shall take all necessary action, upon the  
15 request of the department of health and family services or the department of children  
16 and families, to enforce compliance with this paragraph.

17 **SECTION 523.** 66.1017 (1) (a) of the statutes is amended to read:

18 66.1017 (1) (a) "Family day care home" means a dwelling licensed as a day care  
19 center by the department of ~~health and family services~~ children and families under  
20 s. 48.65 where care is provided for not more than 8 children.

21 **SECTION 524.** 73.0301 (1) (d) 2. of the statutes is amended to read:

22 73.0301 (1) (d) 2. A license issued by the department of ~~health and family~~  
23 ~~services~~ children and families under s. 48.66 (1) (a) to a child welfare agency, group  
24 home, shelter care facility, or day care center, as required by s. 48.60, 48.625, 48.65,  
25 or 938.22 (7).