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**PUBLIC ASSISTANCE AND  
CHILDREN AND FAMILY SERVICES**

**\*-1267/P1.100\* SECTION 551.** 49.001 (9) of the statutes is amended to read:

49.001 (9) "Wisconsin works Works agency" means a person under contract under s. 49.143 to administer Wisconsin works Works under ss. 49.141 to 49.161. If no contract is awarded under s. 49.143, "Wisconsin works Works agency" means the department of workforce development children and families.

**\*-1267/P1.101\* SECTION 552.** Subchapter III (title) of chapter 49 [precedes 49.11] of the statutes is amended to read:

**CHAPTER 49**

**SUBCHAPTER III**

**ECONOMIC CHILDREN AND FAMILY SUPPORT AND WORK PROGRAMS**  
**SERVICES**

~~**\*-1261/P3.452\* SECTION 553.** 49.11 (1) of the statutes is amended to read:~~

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

**\*-1267/P1.102\* SECTION 554.** 49.11 (1) of the statutes is amended to read:

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

**\*-1267/P1.103\* SECTION 555.** 49.11 (2) of the statutes is amended to read:

49.11 (2) "Secretary" means the secretary of workforce development children and families.

**\*-1267/P1.104\* SECTION 556.** 49.138 (1m) (intro.) of the statutes is amended to read:

1           49.138 (**1m**) (intro.) The department shall implement a program of emergency  
2 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or  
3 impending homelessness, or energy crisis. The department shall establish the  
4 maximum amount of aid to be granted, except for cases of energy crisis, per family  
5 member based on the funding available under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md).  
6 The department need not establish the maximum amount by rule under ch. 227. The  
7 department shall publish the maximum amount and annual changes to it in the  
8 Wisconsin administrative register. Emergency assistance provided to needy persons  
9 under this section may only be provided to a needy person once in a 12-month period.  
10 Emergency assistance provided to needy persons under this section in cases of  
11 homelessness or impending homelessness may be used only to obtain or retain a  
12 permanent living accommodation. For the purposes of this section, a family is  
13 considered to be homeless, or to be facing impending homelessness, if any of the  
14 following applies:

15           \***-1261/P3.453\*** **SECTION 557.** 49.143 (2) (b) of the statutes is amended to read:

16           49.143 (**2**) (b) Establish a children's services network. The children's services  
17 network shall provide information about community resources available to the  
18 dependent children in a Wisconsin works group, including charitable food and  
19 clothing centers; subsidized and low-income housing; transportation subsidies; the  
20 state supplemental food program for women, infants and children under s. ~~253.06~~  
21 49.17; and child care programs. In a county having a population of 500,000 or more,  
22 a children's services network shall, in addition, provide a forum for those persons  
23 who are interested in the delivery of child welfare services and other services to  
24 children and families in the geographical area under sub. (6) served by that  
25 children's services network to communicate with and make recommendations to the

1 providers of those services in that geographical area with respect to the delivery of  
2 those services in that area.

3 **\*-1267/P1.105\* SECTION 558.** 49.147 (6) (c) of the statutes is amended to read:

4 49.147 (6) (c) *Distribution and administration.* From the appropriation under  
5 s. ~~20.445 (3)~~ 20.437 (2) (jL), the department shall distribute funds for job access loans  
6 to a Wisconsin Works agency, which shall administer the loans in accordance with  
7 rules promulgated by the department.

8 ~~**\*-1261/P3.454\* SECTION 559.** 49.147 (6) (cm) 1. of the statutes is amended to~~  
9 read:

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

17 **\*-1267/P1.106\* SECTION 560.** 49.147 (6) (cm) 1. of the statutes is amended to  
18 read:

19 49.147 (6) (cm) 1. The department of ~~workforce development~~ may, in the  
20 manner provided in s. 49.85, collect job access loan repayments that are delinquent  
21 under the terms of a repayment agreement. The department of ~~workforce~~  
22 ~~development~~ shall credit all delinquent repayments collected by the department of  
23 revenue as a setoff under s. 71.93 to the appropriation account under s. ~~20.445 (3)~~  
24 20.437 (2) (jL). Use of the process under s. 49.85 does not preclude the department

**SECTION 560**

1 of workforce development from collecting delinquent repayments through other  
2 legal means.

3 **\*-1267/P1.107\* SECTION 561.** 49.155 (1g) (b) of the statutes is amended to  
4 read:

5 49.155 (1g) (b) From the appropriations under s. ~~20.445 (3)~~ 20.437 (2) (cm),  
6 (kx), and (mc), distribute \$5,488,500 in each fiscal year for grants under s. 49.134 (2)  
7 for child day care resource and referral services, for grants under s. 49.137 (4m), for  
8 a child care scholarship and bonus program, for administration of the department's  
9 office of child care and for the department's share of the costs for the Child Care  
10 Information Center operated by the division for libraries, technology, and  
11 community learning in the department of public instruction.

12 **\*-1261/P3.455\* SECTION 562.** 49.155 (1g) (c) of the statutes is amended to read:

13 49.155 (1g) (c) From the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)  
14 (mc), transfer \$4,438,200 in fiscal year ~~2005-06~~ 2007-08 and \$4,440,500 in fiscal  
15 year ~~2006-07~~ 2008-09 to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1)  
16 (kx).

17 **\*-1267/P1.108\* SECTION 563.** 49.155 (1g) (c) of the statutes is amended to read:

18 49.155 (1g) (c) From the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)  
19 (mc), transfer \$4,438,200 in fiscal year ~~2005-06~~ and \$4,440,500 in fiscal year  
20 ~~2006-07~~ to the appropriation account under s. ~~20.435 (3)~~ (kx).

21 **\*-1267/P1.109\* SECTION 564.** 49.155 (1g) (d) of the statutes is amended to  
22 read:

23 49.155 (1g) (d) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (md),  
24 distribute \$3,378,500 in fiscal year 2005-06 and \$3,378,500 in fiscal year 2006-07  
25 for grants under s. 49.134 (2) for child day care resource and referral services, for

*plain*

*2005 statute*

1 contracts under s. 49.137 (4) for training and technical assistance, for grants under  
2 s. 49.137 (4m), and for a child care scholarship and bonus program.

3 **\*-1267/P1.110\* SECTION 565.** 49.1635 (1) of the statutes is amended to read:

4 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),  
5 from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (md) the department may  
6 distribute funds to the Wisconsin Trust Account Foundation in an amount up to the  
7 amount received by the foundation from private donations, but not to exceed  
8 \$100,000 in a fiscal year. Except as provided in sub. (4), funds distributed under this  
9 subsection may be used only for the provision of legal services to individuals who are  
10 eligible for temporary assistance for needy families under 42 USC 601 et seq. and  
11 whose incomes are at or below 200% of the poverty line.

12 **\*-1267/P1.111\* SECTION 566.** 49.175 (1) (intro.) of the statutes is amended to  
13 read:

14 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within  
15 the limits of the appropriations under s. ~~20.445 (3)~~ 20.437 (2) (a), (cm), (dz), (k), (kx),  
16 (L), (mc), (md), (me), and (s), the department shall allocate the following amounts for  
17 the following purposes:

18 **\*-1261/P3.456\* SECTION 567.** 49.175 (1) (ze) (title) of the statutes is amended  
19 to read:

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

22 **\*-1261/P3.457\* SECTION 568.** 49.175 (1) (ze) 10m. of the statutes is amended  
23 to read:

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

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

3 **\*-1267/P1.112\* SECTION 569.** 49.175 (1) (zh) of the statutes is amended to  
4 read:

5 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of  
6 moneys from the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (md) to the  
7 appropriation account under s. 20.835 (2) (kf) for the earned income tax credit,  
8 \$55,232,000 in each fiscal year.

9 **\*-1267/P1.113\* SECTION 570.** 49.175 (2) (c) of the statutes is amended to read:

10 49.175 (2) (c) If the amounts of federal block grant moneys that are required  
11 to be credited to the appropriation accounts under s. ~~20.445 (3)~~ 20.437 (2) (mc) and  
12 (md) are less than the amounts appropriated under s. ~~20.445 (3)~~ 20.437 (2) (mc) and  
13 (md), the department shall submit a plan to the secretary of administration for  
14 reducing the amounts of moneys allocated under sub. (1). If the secretary of  
15 administration approves the plan, the amounts of moneys required to be allocated  
16 under sub. (1) may be reduced as proposed by the department and the department  
17 shall allocate the moneys as specified in the plan.

18 **\*-1261/P3.458\* SECTION 571.** 49.19 (1) (a) 2. b. of the statutes is amended to  
19 read:

20 49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed  
21 under s. 48.62 if a license is required under that section, in a foster home or treatment  
22 foster home located within the boundaries of a federally recognized American Indian  
23 reservation in this state and licensed by the tribal governing body of the reservation,  
24 in a group home licensed under s. 48.625, or in a residential care center for children  
25 and youth licensed under s. 48.60, and has been placed in the foster home, treatment

1 foster home, group home, or center by a county department under s. 46.215, 46.22,  
2 or 46.23, by the department of health and family services, by the department of  
3 corrections, or by a federally recognized American Indian tribal governing body in  
4 this state under an agreement with a county department.

5 **\*-1261/P3.459\* SECTION 572.** 49.19 (10) (a) of the statutes is amended to read:

6 49.19 (10) (a) Aid under this section may also be granted to a nonrelative who  
7 cares for a child dependent upon the public for proper support in a foster home or  
8 treatment foster home having a license under s. 48.62, in a foster home or treatment  
9 foster home located within the boundaries of a federally recognized American Indian  
10 reservation in this state and licensed by the tribal governing body of the reservation  
11 or in a group home licensed under s. 48.625, regardless of the cause or prospective  
12 period of dependency. The state shall reimburse counties pursuant to the procedure  
13 under s. ~~46.495~~ 48.569 (2) and the percentage rate of participation set forth in s.  
14 ~~46.495~~ 48.569 (1) (d) for aid granted under this subsection except that if the child does  
15 not have legal settlement in the granting county, state reimbursement shall be at  
16 100%. The county department under s. 46.215 or 46.22 shall determine the legal  
17 settlement of the child. A child under one year of age shall be eligible for aid under  
18 this subsection irrespective of any other residence requirement for eligibility within  
19 this section.

20 **\*-1261/P3.460\* SECTION 573.** 49.19 (10) (d) of the statutes is amended to read:

21 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,  
22 treatment foster home, group home, or residential care center for children and youth  
23 by the state when the child is in the custody or guardianship of the state, when the  
24 child is a ward of an American Indian tribal court in this state and the placement is  
25 made under an agreement between the department and the tribal governing body,

1 or when the child was part of the state's direct service case load and was removed  
2 from the home of a relative specified in sub. (1) (a) as a result of a judicial  
3 determination that continuance in the home of a relative would be contrary to the  
4 child's welfare for any reason and the child is placed by the department of health and  
5 family services or the department of corrections.

6 **\*-1267/P1.114\* SECTION 574.** 49.19 (11) (a) 1. a. of the statutes is amended to  
7 read:

8 49.19 (11) (a) 1. a. Except as provided in subs. (11m) and (11s), monthly  
9 payments made under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md) to persons or to families  
10 with dependent children shall be based on family size and shall be at 80% of the total  
11 of the allowances under subs. 2. and 4. plus the following standards of assistance  
12 beginning on September 1, 1987:

Figure 49.19 (11) (a) 1. a.:

<u>FAMILY SIZE</u>	<u>AREA I</u>	<u>AREA II</u>
1	\$ 311	\$ 301
2	550	533
3	647	626
4	772	749
5	886	861
6	958	929
7	1,037	1,007
8	1,099	1,068
9	1,151	1,117
10	1,179	1,143

13 **\*-1267/P1.115\* SECTION 575.** 49.19 (11s) (d) of the statutes is amended to read:

14 49.19 (11s) (d) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (a), the  
15 department may award grants to county departments under ss. 46.215, 46.22 and  
16 46.23 for providing education services relating to family planning, as defined in s.  
17 253.07 (1) (a), to persons who are subject to par. (b).

18 **\*-1267/P1.116\* SECTION 576.** 49.195 (3r) of the statutes is amended to read:



1           49.195 (3r) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (L) the  
2 department may contract with or employ a collection agency or other person to  
3 enforce a repayment obligation of a person who is found liable under sub. (3) who is  
4 delinquent in making repayments.

5           \***-1267/P1.117\*** SECTION 577. 49.197 (1m) of the statutes is amended to read:

6           49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. ~~20.445 (3)~~  
7 20.437 (2) (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program  
8 to investigate suspected fraudulent activity on the part of recipients of aid to families  
9 with dependent children under s. 49.19, on the part of participants in the Wisconsin  
10 Works program under ss. 49.141 to 49.161, and, if the department of health and  
11 family services contracts with the department under sub. (5), on the part of recipients  
12 of medical assistance under subch. IV, food stamp benefits under the food stamp  
13 program under 7 USC 2011 to 2036, supplemental security income payments under  
14 s. 49.77, payments for the support of children of supplemental security income  
15 recipients under s. 49.775, and health care benefits under the Badger Care health  
16 care program under s. 49.665. The department's activities under this subsection may  
17 include, but are not limited to, comparisons of information provided to the  
18 department by an applicant and information provided by the applicant to other  
19 federal, state, and local agencies, development of an advisory welfare investigation  
20 prosecution standard, and provision of funds to county departments under ss.  
21 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to  
22 detect fraud. The department shall cooperate with district attorneys regarding  
23 fraud prosecutions.

24           \***-1267/P1.118\*** SECTION 578. 49.197 (4) of the statutes is amended to read:

1           49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and  
2 family services contracts with the department under sub. (5), the department shall  
3 provide funds from the appropriation under s. 20.445 (3) 20.437 (2) (kx) to counties  
4 and governing bodies of federally recognized American Indian tribes administering  
5 Medical Assistance under subch. IV, the food stamp program under 7 USC 2011 to  
6 2036, the supplemental security income payments program under s. 49.77, the  
7 program providing payments for the support of children of supplemental security  
8 income recipients under s. 49.775, and the Badger Care health care program under  
9 s. 49.665 to offset administrative costs of reducing payment errors in those programs.

10           \***-1261/P3.461\*** SECTION 579. 49.22 (3m) of the statutes is amended to read:

11           49.22 (3m) The department, acting as a state location service, shall furnish  
12 services under sub. (2) upon request to ~~the department of health and family services,~~  
13 a county department under s. 46.215, 46.22, or 46.23 or a child welfare agency that  
14 is administering a program operated under 42 USC 620 to 628b or 42 USC 670 to  
15 679a.

16           \***-1261/P3.462\*** SECTION 580. 49.22 (6) of the statutes is amended to read:

17           49.22 (6) The department shall establish, pursuant to federal and state laws,  
18 rules and regulations, a uniform system of fees for services provided under this  
19 section to individuals not receiving aid under s. 46.261 48.645, 49.19, or 49.47;  
20 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under  
21 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term  
22 kinship care payments under s. 48.57 (3n). The system of fees may take into account  
23 an individual's ability to pay. Any fee paid and collected under this subsection may  
24 be retained by the county providing the service except for the fee specified in 42 USC  
25 653 (e) (2) for federal parent locator services.

1           \***-1267/P1.119\*** SECTION 581. 49.22 (7) of the statutes is amended to read:

2           49.22 (7) The department may represent the state in any action to establish  
3           paternity or to establish or enforce a support or maintenance obligation. The  
4           department may delegate its authority to represent the state in any action to  
5           establish paternity or to establish or enforce a support or maintenance obligation  
6           under this section to an attorney responsible for support enforcement under s. 59.53  
7           (6) (a) pursuant to a contract entered into under s. 59.53 (5). The department shall  
8           ensure that any such contract is for an amount reasonable and necessary to assure  
9           quality service. The department may, by such a contract, authorize a county to  
10          contract with any attorney, collection agency or other person to collect unpaid child  
11          support or maintenance. If a county fails to fully implement the programs under s.  
12          59.53 (5), the department may implement them and may contract with any  
13          appropriate person to obtain necessary services. The department shall establish a  
14          formula for disbursing funds appropriated under s. ~~20.445 (3)~~ 20.437 (2) (md) to carry  
15          out a contract under this subsection.

16          \***-1267/P1.120\*** SECTION 582. 49.24 (1) of the statutes is amended to read:

17          49.24 (1) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (k), the  
18          department shall provide child support incentive payments to counties. Total  
19          payments under this subsection may not exceed \$5,690,000 per year.

20          \***-1267/P1.121\*** SECTION 583. 49.26 (1) (d) of the statutes is amended to read:

21          49.26 (1) (d) A county department or Wisconsin ~~works~~ Works agency that  
22          provides services under this subsection directly shall develop a plan, in coordination  
23          with the school districts located in whole or in part in the county, describing the  
24          assistance that the county department or Wisconsin ~~works~~ Works agency and school  
25          districts will provide to individuals receiving services under this subsection, the

1 number of individuals that will be served and the estimated cost of the services. The  
2 county department or Wisconsin works Works agency shall submit the plan to the  
3 department of workforce development and the department of public instruction by  
4 January 15, annually.

5 **\*-1261/P3.463\* SECTION 584.** 49.27 of the statutes is created to read:

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

7 **\*-1261/P3.464\* SECTION 585.** 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 **\*-1261/P3.465\* SECTION 586.** 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 **\*-1261/P3.466\* SECTION 587.** 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 such those services.

4 **\*-1261/P3.467\* SECTION 588.** 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 **\*-1261/P3.468\* SECTION 589.** 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 **\*-1261/P3.469\* SECTION 590.** 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 **\*-1261/P3.470\* SECTION 591.** 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           \***-1261/P3.471\*** SECTION 592. 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~~ <sup>Works</sup> 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           \***-1267/P1.122\*** SECTION 593. 49.32 (11) of the statutes is amended to read:

16           49.32 (11) COMMUNITY ACTION AGENCIES. The department shall distribute all of  
17 the funds under s. ~~20.445 (3)~~ 20.437 (2) (cr) to community action agencies and  
18 organizations, including any of the 11 federally recognized tribal governing bodies  
19 in this state and limited-purpose agencies, in proportion to the share of funds  
20 actually allocated to these entities under 42 USC 1315 and from other federal and  
21 private foundation sources that provide funds for job creation and development for  
22 individuals with low incomes.

23           \***-1261/P3.472\*** SECTION 594. 49.32 (11m) of the statutes is created to read:

24           49.32 (11m) CONSOLIDATION OF ALLOCATED TRIBAL FUNDS. The department may  
25 consolidate funds appropriated under s. 20.437 that are authorized or required to be

1 allocated to federally recognized American Indian tribes or bands into a single  
2 distribution for each tribe or band in each fiscal year.

3 **\*-1261/P3.473\* SECTION 595.** 49.32 (12) of the statutes is amended to read:

4 49.32 (12) ADMINISTRATIVE HEARINGS AND APPEALS. Any hearing under s. 227.42  
5 granted by the department under this subchapter or ch. 48 may be conducted before  
6 the division of hearings and appeals in the department of administration.

7 **\*-1261/P3.474\* SECTION 596.** 49.325 (1) (a) of the statutes is amended to read:

8 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall  
9 submit its final budget for services directly provided or purchased under this  
10 subchapter and ch. 48 to the department by December 31 annually.

11 **\*-1261/P3.475\* SECTION 597.** 49.325 (2) of the statutes is amended to read:

12 49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed  
13 budget for services directly provided or purchased under this subchapter and ch. 48  
14 to the county executive or county administrator or the county board, the county  
15 departments listed in sub. (1) shall assess needs and inventory resources and  
16 services, using an open public participation process.

17 **\*-1261/P3.476\* SECTION 598.** 49.325 (2g) (a) of the statutes is amended to  
18 read:

19 49.325 (2g) (a) The department shall annually submit to the county board of  
20 supervisors in a county with a single-county department or the county boards of  
21 supervisors in counties with a multicounty department a proposed written contract  
22 containing the allocation of funds for services directly provided or purchased under  
23 this subchapter and ch. 48 and such administrative requirements as necessary. The  
24 contract as approved may contain conditions of participation consistent with federal  
25 and state law. The contract may also include provisions necessary to ensure uniform

1 cost accounting of services. Any changes to the proposed contract shall be mutually  
2 agreed upon. The county board of supervisors in a county with a single-county  
3 department or the county boards of supervisors in counties with a multicounty  
4 department shall approve the contract before January 1 of the year in which it takes  
5 effect unless the department grants an extension. The county board of supervisors  
6 in a county with a single-county department or the county boards of supervisors in  
7 counties with a multicounty department may designate an agent to approve addenda  
8 to any contract after the contract has been approved.

9 **\*-1261/P3.477\* SECTION 599.** 49.325 (2g) (c) of the statutes is amended to read:

10 49.325 (2g) (c) The joint committee on finance may require the department to  
11 submit contracts between county departments under ss. 46.215, 46.22, and 46.23  
12 and providers of services under this subchapter or ch. 48 to the committee for review  
13 and approval.

14 **\*-1261/P3.478\* SECTION 600.** 49.325 (2r) (a) 1. of the statutes is amended to  
15 read:

16 49.325 (2r) (a) 1. For services under this subchapter ~~which~~ or ch. 48 that  
17 duplicate or are inconsistent with services being provided or purchased by the  
18 department or other county departments receiving grants-in-aid or reimbursement  
19 from the department.

20 **\*-1261/P3.479\* SECTION 601.** 49.325 (2r) (a) 2. of the statutes is amended to  
21 read:

22 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or  
23 regulations, in which case the department may also arrange for provision of services  
24 under this subchapter or ch. 48 by an alternate agency. The department may not  
25 arrange for provision of services by an alternate agency unless the joint committee



1 on finance or a review body designated by the committee reviews and approves the  
2 department's determination.

3 **\*-1261/P3.480\* SECTION 602.** 49.325 (3) (a) of the statutes is amended to read:

4 49.325 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the  
5 county board of supervisors of each county or the county boards of supervisors of 2  
6 or more counties jointly shall establish a citizen advisory committee to the county  
7 departments under ss. 46.215, 46.22 and 46.23. The citizen advisory committee shall  
8 advise in the formulation of the budget under sub. (1). Membership on the committee  
9 shall be determined by the county board of supervisors in a county with a  
10 single-county committee or by the county boards of supervisors in counties with a  
11 multicounty committee and shall include representatives of those persons receiving  
12 services, providers of services and citizens. A majority of the members of the  
13 committee shall be citizens and consumers of services. At least one member of the  
14 committee shall be chosen from the governing or administrative board of the  
15 community action agency serving the county or counties under s. 49.265, if any. The  
16 committee's membership may not consist of more than 25% county supervisors, nor  
17 of more than 20% services providers. The chairperson of the committee shall be  
18 appointed by the county board of supervisors establishing it. In the case of a  
19 multicounty committee, the chairperson shall be nominated by the committee and  
20 approved by the county boards of supervisors establishing it. The county board of  
21 supervisors in a county with a single-county committee or the county boards of  
22 supervisors in counties with a multicounty committee may designate an agent to  
23 determine the membership of the committee and to appoint the committee  
24 chairperson or approve the nominee.

25 **\*-1261/P3.481\* SECTION 603.** 49.34 (1) of the statutes is amended to read:



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

11           \*-1261/P3.482\* **SECTION 604.** 49.34 (2) of the statutes is amended to read:

12           49.34 (2) All services purchased under this subchapter and ch. 48 shall meet  
 13 standards established by the department and other requirements specified by the  
 14 purchaser in the contract. Based on these standards the department shall establish  
 15 standards for cost accounting and management information systems that shall  
 16 monitor the utilization of the services, and document the specific services in meeting  
 17 the service plan for the client and the objective of the service.

18           \*-1261/P3.483\* **SECTION 605.** 49.34 (4) (a) of the statutes is amended to read:

19           49.34 (4) (a) Except as provided in this subsection, maintain a uniform double  
 20 entry accounting system and a management information system which are  
 21 compatible with cost accounting and control systems prescribed by the department.  
 22 The department shall establish a simplified double-entry bookkeeping system for  
 23 use by family-operated group homes. Each purchaser shall determine whether a  
 24 family-operated group home from which it purchases services shall use the  
 25 double-entry accounting system or the simplified system and shall include this

1 determination in the purchase of service contract. In this paragraph,  
2 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for  
3 which the licensee is one or more individuals who operate not more than one group  
4 home.

5 \***-1261/P3.484\*** SECTION 606. 49.34 (4) (c) of the statutes is amended to read:

6 49.34 (4) (c) Unless waived by the department, biennially, or annually if  
7 required under federal law, provide the purchaser with a certified financial and  
8 compliance audit report if the care and services purchased exceed \$25,000. The audit  
9 shall follow standards that the department prescribes. A purchaser may waive the  
10 requirements of this paragraph for any family-operated group home, as defined in  
11 par. (a), from which it purchases services.

12 \***-1261/P3.485\*** SECTION 607. 49.34 (5m) (a) 1. of the statutes is amended to  
13 read:

14 49.34 (5m) (a) 1. “Provider” means a nonstock corporation organized under ch.  
15 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), and that contracts  
16 under this section to provide client services on the basis of a unit rate per client  
17 service or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 that  
18 contracts under this section to provide client services on the basis of a unit rate per  
19 client service.

20 \***-1261/P3.486\*** SECTION 608. 49.34 (5m) (b) 1. of the statutes is amended to  
21 read:

22 49.34 (5m) (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a  
23 contract for the provision of a rate-based service exceeds allowable costs incurred in  
24 the contract period, the provider may retain from the surplus generated by that  
25 rate-based service up to 5% of the contract amount. A provider that retains a surplus

1 under this subdivision shall use that retained surplus to cover a deficit between  
2 revenue and allowable costs incurred in any preceding or future contract period for  
3 the same rate-based service that generated the surplus or to address the  
4 programmatic needs of clients served by the same rate-based service that generated  
5 the surplus.

6 \***-1261/P3.487**\* SECTION 609. 49.34 (5m) (b) 2. of the statutes is amended to  
7 read:

8 49.34 (5m) (b) 2. Subject to subd. 3. and par. (em), a provider may accumulate  
9 funds from more than one contract period under this paragraph, except that, if at the  
10 end of a contract period the amount accumulated from all contract periods for a  
11 rate-based service exceeds 10% of the amount of all current contracts for that  
12 rate-based service, the provider shall, at the request of a purchaser, return to that  
13 purchaser the purchaser's proportional share of that excess and use any of that  
14 excess that is not returned to a purchaser to reduce the provider's unit rate per client  
15 for that rate-based service in the next contract period. If a provider has held for 4  
16 consecutive contract periods an accumulated reserve for a rate-based service that  
17 is equal to or exceeds 10% of the amount of all current contracts for that rate-based  
18 service, the provider shall apply 50% of that accumulated amount to reducing its unit  
19 rate per client for that rate-based service in the next contract period.

20 \***-1261/P3.488**\* SECTION 610. 49.34 (5m) (em) of the statutes is created to read:

21 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under  
22 s. 46.215, 51.42, or 51.437 providing client services in a county having a population  
23 of 500,000 or more or a nonstock, nonprofit corporation providing client services in  
24 such a county may not retain a surplus under par. (b) 1. or accumulate funds under  
25 par. (b) 2. from revenues that are used to meet the maintenance-of-effort

1 requirement under the federal temporary assistance for needy families program  
2 under 42 USC 601 to 619.

3 \*-1261/P3.489\* SECTION 611. 49.345 of the statutes is created to read:

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

10 (2) Except as provided in sub. (14) (b) and (c), any person, including but not  
11 limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m), receiving care,  
12 maintenance, services, and supplies provided by any institution in this state, in  
13 which the state is chargeable with all or part of the person's care, maintenance,  
14 services, and supplies, and the person's property and estate, including the  
15 homestead, and the spouse of the person, and the spouse's property and estate,  
16 including the homestead, and, in the case of a minor child, the parents of the person,  
17 and their property and estates, including their homestead, and, in the case of a  
18 foreign child described in s. 48.839 (1) who became dependent on public funds for his  
19 or her primary support before an order granting his or her adoption, the resident of  
20 this state appointed guardian of the child by a foreign court who brought the child  
21 into this state for the purpose of adoption, and his or her property and estate,  
22 including his or her homestead, shall be liable for the cost of the care, maintenance,  
23 services, and supplies in accordance with the fee schedule established by the  
24 department under s. 49.32 (1). If a spouse, widow, or minor, or an incapacitated  
25 person may be lawfully dependent upon the property for his or her support, the court

1 shall release all or such part of the property and estate from the charges that may  
2 be necessary to provide for the person. The department shall make every reasonable  
3 effort to notify the liable persons as soon as possible after the beginning of the  
4 maintenance, but the notice or the receipt thereof is not a condition of liability.

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

11 (4) (a) If a person liable under sub. (2) fails to make payment or enter into or  
12 comply with an agreement for payment, the department may bring an action to  
13 enforce the liability or may issue an order to compel payment of the liability. Any  
14 person aggrieved by an order issued by the department under this paragraph may  
15 appeal the order as a contested case under ch. 227 by filing with the department a  
16 request for a hearing within 30 days after the date of the order.

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

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

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

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

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

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

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

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

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

13 (d) After due regard to the case and to a spouse and minor children who are  
14 lawfully dependent on the property for support, compromise or waive any portion of  
15 any claim of the state or county for which a person specified under sub. (2) is liable,  
16 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other  
17 3rd party.

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

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

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



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

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

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

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

20           **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in  
21 sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in  
22 residential, nonmedical facilities such as group homes, foster homes, treatment  
23 foster homes, subsidized guardianship homes, and residential care centers for  
24 children and youth is determined in accordance with the cost-based fee established  
25 under s. 49.32 (1). The department shall bill the liable person up to any amount of

1 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party  
2 benefits, subject to rules that include formulas governing ability to pay established  
3 by the department under s. 49.32 (1). Any liability of the person not payable by any  
4 other person terminates when the person reaches age 18, unless the liable person has  
5 prevented payment by any act or omission.

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

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

18 1. The needs of the child.

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

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

24 4. The financial resources of the parents.

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

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

5           7. The age of the child.

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

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

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

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

16           (cm) 1. Except as provided in subd. 2., if a parent who is required to pay child  
17 support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the  
18 child for whom support is ordered, the amount of the child support payments  
19 determined under par. (b) or (c) may not exceed the amount of the adoption assistance  
20 maintenance payments under s. 48.975 (3) (a). If an agreement under s. 48.975 (4)  
21 is in effect that provides for a payment of \$0 under s. 48.975 (3) (a), the payment of  
22 \$0 shall be considered to be an adoption assistance maintenance payment for  
23 purposes of this subdivision.

24           2. Subdivision 1. does not apply if, after considering the factors under par. (c)  
25 1. to 11., the court finds by the greater weight of the credible evidence that limiting

1 the amount of the child support payments to the amount of the adoption assistance  
2 maintenance payments under s. 48.975 (3) (a) is unfair to the child or to either of the  
3 parents.

4 (d) If the court finds under par. (c) that use of the percentage standard is unfair  
5 to the minor child or either of the parents, the court shall state in writing or on the  
6 record the amount of support that would be required by using the percentage  
7 standard, the amount by which the court's order deviates from that amount, its  
8 reasons for finding that use of the percentage standard is unfair to the child or the  
9 parent, its reasons for the amount of the modification, and the basis for the  
10 modification.

11 (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), or 48.363 (2)  
12 for support determined under this subsection constitutes an assignment of all  
13 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or  
14 108, and other money due or to be due in the future to the county department under  
15 s. 46.22 or 46.23 in the county where the order was entered or to the department,  
16 depending upon the placement of the child as specified by rules promulgated under  
17 subd. 5. The assignment shall be for an amount sufficient to ensure payment under  
18 the order.

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

23 3. Benefits under ch. 108 may be assigned and withheld only in the manner  
24 provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 shall be for  
25 an amount certain. When money is to be withheld from these benefits, no fee may

1 be deducted from the amount withheld and no fine may be levied for failure to  
2 withhold the money.

3 4. No employer may use an assignment under this paragraph as a basis for the  
4 denial of employment to a person, the discharge of an employee, or any disciplinary  
5 action against an employee. An employer who denies employment or discharges or  
6 disciplines an employee in violation of this subdivision may be fined not more than  
7 \$500 and may be required to make full restitution to the aggrieved person, including  
8 reinstatement and back pay. Except as provided in this subdivision, restitution shall  
9 be in accordance with s. 973.20. An aggrieved person may apply to the district  
10 attorney or to the department of workforce development for enforcement of this  
11 subdivision.

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

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

20 **(16)** The department shall delegate to county departments under ss. 46.22 and  
21 46.23 or the local providers of care and services meeting the standards established  
22 by the department under s. 49.34 the responsibilities vested in the department under  
23 this section for collection of fees for services other than those provided at state  
24 facilities, if the county departments or providers meet the conditions that the  
25 department determines are appropriate. The department may delegate to county

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1 departments under ss. 46.22 and 46.23 the responsibilities vested in the department  
2 under this section for collection of fees for services provided at the state facilities if  
3 the necessary conditions are met.

4 **\*-1261/P3.490\* SECTION 612.** 49.35 (1) (a) of the statutes is amended to read:

5 49.35 (1) (a) The department shall supervise the administration of programs  
6 under this subchapter and ch. 48. The department shall submit to the federal  
7 authorities state plans for the administration of programs under this subchapter and  
8 ch. 48 in such form and containing such information as the federal authorities  
9 require, and shall comply with all requirements prescribed to ensure their  
10 correctness.

11 **\*-1261/P3.491\* SECTION 613.** 49.35 (1) (b) of the statutes is amended to read:

12 49.35 (1) (b) All records of the department and all county records relating to  
13 programs under this subchapter and ch. 48 and aid under s. 49.18, 1971 stats., s.  
14 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,  
15 shall be open to inspection at all reasonable hours by authorized representatives of  
16 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county  
17 records relating to the administration of the services and public assistance specified  
18 in this paragraph shall be open to inspection at all reasonable hours by authorized  
19 representatives of the department.

20 **\*-1261/P3.492\* SECTION 614.** 49.35 (2) of the statutes is amended to read:

21 49.35 (2) The county administration of all laws relating to programs under this  
22 subchapter and ch. 48 shall be vested in the officers and agencies designated in the  
23 statutes.

24 **\*-1267/P1.123\* SECTION 615.** 49.36 (2) of the statutes is amended to read:

1           49.36 (2) The department may contract with any county, tribal governing body,  
2 or Wisconsin Works agency to administer a work experience and job training  
3 program for parents who are not custodial parents and who fail to pay child support  
4 or to meet their children's needs for support as a result of unemployment or  
5 underemployment. The program may provide the kinds of work experience and job  
6 training services available from the program under s. 49.193, 1997 stats., or s. 49.147  
7 (3) or (4). The program may also include job search and job orientation activities.  
8 The department shall fund the program from the appropriations under s. 20.445 (3)  
9 20.437 (2) (dz) and (k).

10           \*-1267/P1.124\* SECTION 616. 49.45 (6m) (br) 1. of the statutes is amended to  
11 read:

12           49.45 (6m) (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 (4) (bt) or (7) (b)  
13 or ~~20.445 (3)~~ 20.437 (2) (dz), the department shall reduce allocations of funds to  
14 counties in the amount of the disallowance from the appropriation account under s.  
15 20.435 (4) (bt) or (7) (b), or the department shall direct the department of ~~workforce~~  
16 ~~development~~ children and families to reduce allocations of funds to counties or  
17 Wisconsin ~~works~~ Works agencies in the amount of the disallowance from the  
18 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (dz) or direct the department of  
19 corrections to reduce allocations of funds to counties in the amount of the  
20 disallowance from the appropriation account under s. 20.410 (3) (cd), in accordance  
21 with s. 16.544 to the extent applicable.

22           \*-1267/P1.125\* SECTION 617. 49.45 (40) of the statutes is amended to read:

23           49.45 (40) PERIODIC RECORD MATCHES. If the department contracts with the  
24 department of ~~workforce development~~ children and families under s. 49.197 (5), the

1 department shall cooperate with the department of ~~workforce development~~ children  
2 and families in matching records of medical assistance recipients under s. 49.32 (7).

3 **\*-1267/P1.126\* SECTION 618.** 49.48 (1m) of the statutes is amended to read:

4 49.48 (1m) If an individual who applies for or to renew a certification under  
5 sub. (1) does not have a social security number, the individual, as a condition of  
6 obtaining the certification, shall submit a statement made or subscribed under oath  
7 or affirmation to the department that the applicant does not have a social security  
8 number. The form of the statement shall be prescribed by the department of  
9 ~~workforce development~~ children and families. A certification issued or renewed in  
10 reliance upon a false statement submitted under this subsection is invalid.

11 **\*-1267/P1.127\* SECTION 619.** 49.48 (2) of the statutes is amended to read:

12 49.48 (2) The department of ~~health and family services~~ may not disclose any  
13 information received under sub. (1) to any person except to the department of  
14 ~~workforce development~~ children and families for the purpose of making  
15 certifications required under s. 49.857.

16 **\*-1267/P1.128\* SECTION 620.** 49.48 (3) of the statutes is amended to read:

17 49.48 (3) The department of ~~health and family services~~ shall deny an  
18 application for the issuance or renewal of a certification specified in sub. (1), shall  
19 suspend a certification specified in sub. (1) or may, under a memorandum of  
20 understanding under s. 49.857 (2), restrict a certification specified in sub. (1) if the  
21 department of ~~workforce development~~ children and families certifies under s. 49.857  
22 that the applicant for or holder of the certificate is delinquent in the payment of  
23 court-ordered payments of child or family support, maintenance, birth expenses,  
24 medical expenses or other expenses related to the support of a child or former spouse  
25 or fails to comply, after appropriate notice, with a subpoena or warrant issued by the



1 department of ~~workforce development~~ children and families or a county child  
2 support agency under s. 59.53 (5) and related to paternity or child support  
3 proceedings.

4 **\*-1267/P1.129\* SECTION 621.** 49.775 (2) (bm) of the statutes is amended to  
5 read:

6 49.775 (2) (bm) The custodial parent assigns to the state any right of the  
7 custodial parent or of the dependent child to support from any other person. No  
8 amount of support that begins to accrue after the individual ceases to receive  
9 payments under this section may be considered assigned to the state. Any money  
10 that is received by the department of ~~workforce development~~ children and families  
11 under an assignment to the state under this paragraph and that is not the federal  
12 share of support shall be paid to the custodial parent. The department of ~~workforce~~  
13 ~~development~~ children and families shall pay the federal share of support assigned  
14 under this paragraph as required under federal law or waiver.

15 **\*-1267/P1.130\* SECTION 622.** 49.78 (4) of the statutes is amended to read:

16 49.78 (4) RULES; MERIT SYSTEM. The department of ~~workforce development~~  
17 children and families shall promulgate rules for the efficient administration of aid  
18 to families with dependent children in agreement with the requirement for federal  
19 aid, including the establishment and maintenance of personnel standards on a merit  
20 basis. The provisions of this section relating to personnel standards on a merit basis  
21 supersede any inconsistent provisions of any law relating to county personnel. This  
22 subsection shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

23 **\*-1261/P3.493\* SECTION 623.** 49.78 (5) of the statutes is amended to read:

24 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain  
25 qualifications of applicants in any county department administering aid to families

1 with dependent children shall be given by the administrator of the division of merit  
2 recruitment and selection in the office of state employment relations. The office of  
3 state employment relations shall be reimbursed for actual expenditures incurred in  
4 the performance of its functions under this section from the appropriations available  
5 to the department of ~~health and family services~~ children and families for  
6 administrative expenditures.

7 **\*-1267/P1.131\* SECTION 624.** 49.78 (7) of the statutes is amended to read:

8 49.78 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under  
9 sub. (4), the department of ~~workforce development~~ children and families where  
10 requested by the county shall delegate to that county, without restriction because of  
11 enumeration, any or all of the authority of the department of ~~workforce~~  
12 ~~development's authority~~ children and families under sub. (4) to establish and  
13 maintain personnel standards including salary levels.

14 **\*-1267/P1.132\* SECTION 625.** 49.79 (10) of the statutes is amended to read:

15 49.79 (10) CONTRACT FOR EMPLOYMENT AND TRAINING PROGRAM. The department  
16 shall contract with the department of ~~workforce development~~ children and families  
17 to administer the employment and training program under s. 49.13.

18 **\*-1267/P1.133\* SECTION 626.** 49.81 (intro.) of the statutes is amended to read:

19 **49.81 Public assistance recipients' bill of rights.** (intro.) The department  
20 of health and family services, the department of ~~workforce development~~ children and  
21 families, and all public assistance and relief-granting agencies shall respect rights  
22 for recipients of public assistance. The rights shall include all rights guaranteed by  
23 the U.S. constitution and the constitution of this state, and in addition shall include:

24 **\*-1267/P1.134\* SECTION 627.** 49.82 (1) of the statutes is amended to read:

1           49.82 (1) DEPARTMENTS TO ADVISE COUNTIES. The department of health and  
2 family services and the department of ~~workforce development~~ children and families  
3 shall advise all county officers charged with the administration of requirements  
4 relating to public assistance programs under this chapter and shall render all  
5 possible assistance in securing compliance therewith, including the preparation of  
6 necessary forms and reports. The department of health and family services and the  
7 department of ~~workforce development~~ children and families shall also publish any  
8 information that those departments consider advisable to acquaint persons entitled  
9 to public assistance, and the public generally, with the laws governing public  
10 assistance under this chapter.

11           \*-1267/P1.135\* SECTION 628. 49.83 of the statutes is amended to read:

12           **49.83 Limitation on giving information.** Except as provided under s. 49.32  
13 (9), (10), and (10m), no person may use or disclose information concerning applicants  
14 and recipients of relief funded by a relief block grant, aid to families with dependent  
15 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and  
16 spousal support and establishment of paternity and medical support liability  
17 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not  
18 connected with the administration of the programs, except that the department of  
19 ~~workforce development~~ children and families may disclose such information to the  
20 department of revenue for the sole purpose of administering state taxes. Any person  
21 violating this section may be fined not less than \$25 nor more than \$500 or  
22 imprisoned in the county jail not less than 10 days nor more than one year or both.

23           \*-1267/P1.136\* SECTION 629. 49.845 (1) of the statutes is amended to read:

24           49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
25 (bn), (kz), (L), and (nn), the department of health and family services shall establish

1 a program to investigate suspected fraudulent activity on the part of recipients of  
2 medical assistance under subch. IV, food stamp benefits under the food stamp  
3 program under 7 USC 2011 to 2036, supplemental security income payments under  
4 s. 49.77, payments for the support of children of supplemental security income  
5 recipients under s. 49.775, and health care benefits under the Badger Care health  
6 care program under s. 49.665 and, if the department of ~~workforce development~~  
7 children and families contracts with the department of health and family services  
8 under sub. (4), on the part of recipients of aid to families with dependent children  
9 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to  
10 49.161. The activities of the department of health and family services under this  
11 subsection may include comparisons of information provided to the department by  
12 an applicant and information provided by the applicant to other federal, state, and  
13 local agencies, development of an advisory welfare investigation prosecution  
14 standard, and provision of funds to county departments under ss. 46.215, 46.22, and  
15 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The  
16 department of health and family services shall cooperate with district attorneys  
17 regarding fraud prosecutions.

18 \***-1267/P1.137\*** SECTION 630. 49.845 (2) of the statutes is amended to read:

19 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and  
20 family services shall conduct activities to reduce payment errors in the Medical  
21 Assistance program under subch. IV, the food stamp program under 7 USC 2011 to  
22 2036, the supplemental security income payments program under s. 49.77, the  
23 program providing payments for the support of children of supplemental security  
24 income recipients under s. 49.775, and the Badger Care health care program under  
25 s. 49.665 and, if the department of ~~workforce development~~ children and families

1 contracts with the department of health and family services under sub. (4), in  
2 Wisconsin Works under ss. 49.141 to 49.161.

3 **\*-1267/P1.138\* SECTION 631.** 49.845 (3) of the statutes is amended to read:

4 49.845 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of  
5 ~~workforce development~~ children and families contracts with the department of  
6 health and family services under sub. (4), the department of health and family  
7 services shall provide funds from the appropriation under s. 20.435 (4) (kz) to  
8 Wisconsin Works agencies to offset the administrative costs of reducing payment  
9 errors in Wisconsin Works under ss. 49.141 to 49.161.

10 **\*-1267/P1.139\* SECTION 632.** 49.845 (4) of the statutes is amended to read:

11 49.845 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m)  
12 and (3), the department of ~~workforce development~~ children and families may  
13 contract with the department of health and family services to investigate suspected  
14 fraudulent activity on the part of recipients of aid to families with dependent  
15 children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to  
16 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under  
17 ss. 49.141 to 49.161, as provided in this section.

18 **\*-1267/P1.140\* SECTION 633.** 49.85 (1) of the statutes is amended to read:

19 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under  
20 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American  
21 Indian tribe or band determines that the department of health and family services  
22 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department  
23 of ~~workforce development~~ children and families may recover an amount under s.  
24 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county  
25 department or governing body shall notify the affected department of the

1 determination. If a Wisconsin Works agency determines that the department of  
2 ~~workforce development~~ children and families may recover an amount under s. 49.161  
3 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works  
4 agency shall notify the department of ~~workforce development~~ children and families  
5 of the determination.

6 **\*-1267/P1.141\* SECTION 634.** 49.85 (2) (b) of the statutes is amended to read:

7 49.85 (2) (b) At least annually, the department of ~~workforce development~~  
8 children and families shall certify to the department of revenue the amounts that,  
9 based on the notifications received under sub. (1) and on other information received  
10 by the department of ~~workforce development~~ children and families, the department  
11 of ~~workforce development~~ children and families has determined that it may recover  
12 under ss. 49.161 and 49.195 (3) and collect under s. 49.147 (6) (cm), except that the  
13 department of ~~workforce development~~ children and families may not certify an  
14 amount under this subsection unless it has met the notice requirements under sub.  
15 (3) and unless its determination has either not been appealed or is no longer under  
16 appeal.

17 **\*-1267/P1.142\* SECTION 635.** 49.85 (3) (b) (intro.) of the statutes is amended  
18 to read:

19 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the  
20 department of ~~workforce development~~ children and families shall send a notice to the  
21 last-known address of the person from whom that department intends to recover or  
22 collect the amount. The notice shall do all of the following:

23 **\*-1267/P1.143\* SECTION 636.** 49.85 (3) (b) 1. of the statutes is amended to  
24 read:

1           49.85 (3) (b) 1. Inform the person that the department of ~~workforce~~  
2           ~~development~~ children and families intends to certify to the department of revenue  
3           an amount that the department of ~~workforce development~~ children and families has  
4           determined to be due under s. 49.161 or 49.195 (3) or to be delinquent under a  
5           repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax  
6           refund that may be due the person.

7           **\*-1267/P1.144\* SECTION 637.** 49.85 (3) (b) 2. of the statutes is amended to  
8           read:

9           49.85 (3) (b) 2. Inform the person that he or she may appeal the determination  
10          of the department of ~~workforce development~~ children and families to certify the  
11          amount by requesting a hearing under sub. (4) within 30 days after the date of the  
12          letter and inform the person of the manner in which he or she may request a hearing.

13          **\*-1267/P1.145\* SECTION 638.** 49.85 (3) (b) 3. of the statutes is amended to  
14          read:

15          49.85 (3) (b) 3. Inform the person that, if the determination of the department  
16          of ~~workforce development~~ children and families is appealed, that department will  
17          not certify the amount to the department of revenue while the determination of the  
18          department of ~~workforce development~~ children and families is under appeal.

19          **\*-1267/P1.146\* SECTION 639.** 49.85 (3) (b) 4. of the statutes is amended to  
20          read:

21          49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is  
22          requested to appeal the determination of the department of ~~workforce development~~  
23          children and families, the person may be precluded from challenging any subsequent  
24          setoff of the certified amount by the department of revenue, except on the grounds

**SECTION 639**

1 that the certified amount has been partially or fully paid or otherwise discharged,  
2 since the date of the notice.

3 **\*-1267/P1.147\* SECTION 640.** 49.85 (3) (b) 5. of the statutes is amended to  
4 read:

5 49.85 (3) (b) 5. Request that the person inform the department of ~~workforce~~  
6 development children and families if a bankruptcy stay is in effect with respect to the  
7 person or if the claim has been discharged in bankruptcy.

8 **\*-1267/P1.148\* SECTION 641.** 49.85 (4) (b) of the statutes is amended to read:

9 49.85 (4) (b) If a person has requested a hearing under this subsection, the  
10 department of ~~workforce development~~ children and families shall hold a contested  
11 case hearing under s. 227.44, except that the department of ~~workforce development~~  
12 children and families may limit the scope of the hearing to exclude issues that were  
13 presented at a prior hearing or that could have been presented at a prior opportunity  
14 for hearing.

15 **\*-1267/P1.149\* SECTION 642.** 49.85 (5) of the statutes is amended to read:

16 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department  
17 of revenue shall constitute a lien, equal to the amount certified, on any state tax  
18 refunds or credits owed to the obligor. The lien shall be foreclosed by the department  
19 of revenue as a setoff under s. 71.93. Certification of an amount under this section  
20 does not prohibit the department of health and family services or the department of  
21 ~~workforce development~~ children and families from attempting to recover or collect  
22 the amount through other legal means. The department of health and family  
23 services or the department of ~~workforce development~~ children and families shall  
24 promptly notify the department of revenue upon recovery or collection of any amount  
25 previously certified under this section.



1           \***-1267/P1.150\*** SECTION 643. 49.852 (1) of the statutes is renumbered 49.852  
2           (1m) and amended to read:

3           49.852 (1m) The department of ~~workforce development~~ may direct the  
4           department of employee trust funds, the retirement system of any 1st class city, any  
5           retirement system established under chapter 201, laws of 1937, or the administrator  
6           of any other pension plan to withhold the amount specified in the statewide support  
7           lien docket under s. 49.854 (2) (b) from any lump sum payment from a pension plan  
8           that may be paid a delinquent support obligor, except that the department of  
9           ~~workforce development~~ may not direct that an amount be withheld under this  
10          subsection unless it has met the notice requirements under sub. (2) and unless the  
11          amount specified has either not been appealed or is no longer under appeal under s.  
12          49.854.

13          \***-1267/P1.151\*** SECTION 644. 49.852 (1c) of the statutes is created to read:  
14          49.852 (1c) In this section, "department" means the department of children  
15          and families.

16          \***-1267/P1.152\*** SECTION 645. 49.852 (2) (intro.) of the statutes is amended to  
17          read:

18          49.852 (2) (intro.) The department of ~~workforce development~~ shall send a  
19          notice to the last-known address of the person from whom the department intends  
20          to recover the amount specified in the statewide support lien docket under s. 49.854  
21          (2) (b). The notice shall do all of the following:

22          \***-1267/P1.153\*** SECTION 646. 49.852 (2) (c) of the statutes is amended to read:

23          49.852 (2) (c) Request that the person inform the department of ~~workforce~~  
24          ~~development~~ or the appropriate county child support agency under s. 59.53 (5) if a  
25          bankruptcy stay is in effect with respect to the person.

**SECTION 647**

1           \***-1267/P1.154\*** **SECTION 647.** 49.852 (3) of the statutes is amended to read:

2           49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the  
3 hearing shall be conducted before the circuit court that rendered the initial order to  
4 pay support. The court shall schedule a hearing within 10 business days after  
5 receiving a request for a hearing. A circuit court commissioner may conduct the  
6 hearing. If the court determines that the person owes the amount specified in the  
7 statewide support lien docket under s. 49.854 (2) (b), the department of ~~workforce~~  
8 ~~development~~ may direct the department of employee trust funds, the retirement  
9 system of any 1st class city, any retirement system established under chapter 201,  
10 laws of 1937, or the administrator of any other pension plan, whichever is  
11 appropriate, to withhold the amount from any lump sum payment from a pension  
12 plan that may be paid the person. If the court determines that the person does not  
13 owe the amount specified in the statewide support lien docket under s. 49.854 (2) (b),  
14 the department of ~~workforce~~ ~~development~~ may not direct the department of  
15 employee trust funds, the retirement system of any 1st class city, any retirement  
16 system established under chapter 201, laws of 1937, or the administrator of any  
17 other pension plan, whichever is appropriate, to withhold the amount from any lump  
18 sum payment from a pension plan that may be paid the person.

19           \***-1267/P1.155\*** **SECTION 648.** 49.852 (4) (a) of the statutes is amended to read:

20           49.852 (4) (a) If the department of ~~workforce~~ ~~development~~ directs the  
21 department of employee trust funds, the retirement system of any 1st class city, any  
22 retirement system established under chapter 201, laws of 1937, or the administrator  
23 of any other pension plan to withhold the amount specified in the statewide support  
24 lien docket under s. 49.854 (2) (b), this directive shall constitute a lien, equal to the

1 amount specified in the statewide support lien docket, on any lump sum payment  
2 from a pension plan that may be paid the person.

3 **\*-1267/P1.156\* SECTION 649.** 49.852 (4) (b) of the statutes is amended to read:

4 49.852 (4) (b) If the department of ~~workforce~~ development directs the  
5 department of employee trust funds, the retirement system of any 1st class city, any  
6 retirement system established under chapter 201, laws of 1937, or the administrator  
7 of any other pension plan to withhold the amount specified in the statewide support  
8 lien docket under s. 49.854 (2) (b), the department of employee trust funds, the  
9 retirement system of any 1st class city, any retirement system established under  
10 chapter 201, laws of 1937, or the administrator of any other pension plan shall deduct  
11 from any lump sum payment that may be paid the person the amount specified in  
12 the statewide support lien docket, less any amount specified under par. (d). If the  
13 amount specified in the statewide support lien docket under s. 49.854 (2) (b), less any  
14 amount specified under par. (d), exceeds the lump sum payment, the department of  
15 employee trust funds, the retirement system of any 1st class city, any retirement  
16 system established under chapter 201, laws of 1937, or the administrator of any  
17 other pension plan shall deduct the entire lump sum payment, less any withholdings  
18 otherwise required by law. The amount deducted under this paragraph shall be  
19 remitted to the department of ~~workforce~~ development.

20 **\*-1267/P1.157\* SECTION 650.** 49.852 (4) (c) of the statutes is amended to read:

21 49.852 (4) (c) A directive to the department of employee trust funds, the  
22 retirement system of any 1st class city, any retirement system established under  
23 chapter 201, laws of 1937, or the administrator of any other pension plan to withhold  
24 the amount specified in the statewide support lien docket under s. 49.854 (2) (b)

1 under this section does not prohibit the department of ~~workforce development~~ from  
2 attempting to recover the amount through other legal means.

3 **\*-1267/P1.158\* SECTION 651.** 49.852 (4) (d) of the statutes is amended to read:

4 49.852 (4) (d) The department of ~~workforce development~~ shall promptly notify  
5 the department of employee trust funds, the retirement system of any 1st class city,  
6 any retirement system established under chapter 201, laws of 1937, or the  
7 administrator of any other pension plan upon recovery of any amount previously  
8 specified in the statewide support lien docket under s. 49.854 (2) (b).

9 **\*-1267/P1.159\* SECTION 652.** 49.853 (1) (b) of the statutes is amended to read:

10 49.853 (1) (b) "Department" means the department of ~~workforce development~~  
11 children and families.

12 **\*-1267/P1.160\* SECTION 653.** 49.854 (1) (a) of the statutes is amended to read:

13 49.854 (1) (a) "Department" means the department of ~~workforce development~~  
14 children and families.

15 **\*-1267/P1.161\* SECTION 654.** 49.854 (11) (b) of the statutes is amended to  
16 read:

17 49.854 (11) (b) *The department.* The department may assess a collection fee  
18 to recover the department's costs incurred in levying against property under this  
19 section. The department shall determine its costs to be paid in all cases of levy. The  
20 obligor is liable to the department for the amount of the collection fee authorized  
21 under this paragraph. Fees collected under this paragraph shall be credited to the  
22 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja).

23 **\*-1267/P1.162\* SECTION 655.** 49.855 (1) of the statutes is amended to read:

24 49.855 (1) If a person obligated to pay child support, family support,  
25 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is

1 delinquent in making any of those payments, or owes an outstanding amount that  
2 has been ordered by the court for past support, medical expenses, or birth expenses,  
3 upon application under s. 59.53 (5) the department of workforce development  
4 children and families shall certify the delinquent payment or outstanding amount  
5 to the department of revenue and, at least annually, shall provide to the department  
6 of revenue any certifications of delinquencies or outstanding amounts that it receives  
7 from another state because the obligor resides in this state.

8 **\*-1261/P3.494\* SECTION 656.** 49.855 (2r) of the statutes is created to read:

9 49.855 (2r) At least annually, the department of children and families shall  
10 certify to the department of revenue any obligation owed to that department under  
11 s. 49.345 if the obligation is rendered to a judgment.

12 **\*-1261/P3.495\* SECTION 657.** 49.855 (3) of the statutes is amended to read:

13 49.855 (3) Receipt of a certification by the department of revenue shall  
14 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
15 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
16 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines  
17 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the  
18 obligor that the state intends to reduce any state tax refund or credit due the obligor  
19 by the amount the obligor is delinquent under the support, maintenance, or receiving  
20 and disbursing fee order or obligation, by the outstanding amount for past support,  
21 medical expenses, or birth expenses under the court order, or by the amount due  
22 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20  
23 days the obligor may request a hearing before the circuit court rendering the order  
24 under which the obligation arose. Within 10 days after receiving a request for  
25 hearing under this subsection, the court shall set the matter for hearing. Pending

1 further order by the court or a circuit court commissioner, the department of  
 2 ~~workforce development~~ children and families or its designee, whichever is  
 3 appropriate, is prohibited from disbursing the obligor's state tax refund or credit.  
 4 A circuit court commissioner may conduct the hearing. The sole issues at that  
 5 hearing shall be whether the obligor owes the amount certified and, if not and it is  
 6 a support or maintenance order, whether the money withheld from a tax refund or  
 7 credit shall be paid to the obligor or held for future support or maintenance, except  
 8 that the obligor's ability to pay shall also be an issue at the hearing if the obligation  
 9 relates to an order under s. ~~767.51 (3) (e) 1. or 767.62 (4) (d) 1. s. 767.89 (3) (e) 1. or~~  
 10 767.89 (3) (e) 1. or 767.805 (4) (d) 1. and the order specifies that the court found that the obligor's income  
 11 was at or below the poverty line established under 42 USC 9902 (2).

\*-1267/P1.163\* ~~SECTION 658.~~ 49.855 (3) of the statutes is amended to read:

13 49.855 (3) Receipt of a certification by the department of revenue shall  
 14 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
 15 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
 16 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines  
 17 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the  
 18 obligor that the state intends to reduce any state tax refund or credit due the obligor  
 19 by the amount the obligor is delinquent under the support, maintenance, or receiving  
 20 and disbursing fee order or obligation, by the outstanding amount for past support,  
 21 medical expenses, or birth expenses under the court order, or by the amount due  
 22 under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the  
 23 obligor may request a hearing before the circuit court rendering the order under  
 24 which the obligation arose. Within 10 days after receiving a request for hearing  
 25 under this subsection, the court shall set the matter for hearing. Pending further

1 order by the court or a circuit court commissioner, the department of workforce  
2 development children and families or its designee, whichever is appropriate, is  
3 prohibited from disbursing the obligor's state tax refund or credit. A circuit court  
4 commissioner may conduct the hearing. The sole issues at that hearing shall be  
5 whether the obligor owes the amount certified and, if not and it is a support or  
6 maintenance order, whether the money withheld from a tax refund or credit shall be  
7 paid to the obligor or held for future support or maintenance, except that the obligor's  
8 ability to pay shall also be an issue at the hearing if the obligation relates to an order  
9 under s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. [s. 767.89 (3) (e) 1. or 767.805 (4) (d) 1.]  
10 and the order specifies that the court found that the obligor's income was at or below  
11 the poverty line established under 42 USC 9902 (2).

12 **\*-1267/P1.164\* SECTION 659.** 49.855 (4) (a) of the statutes is amended to read:

13 49.855 (4) (a) The department of revenue shall send the portion of any state tax  
14 refunds or credits withheld for delinquent child or family support or maintenance or  
15 past support, medical expenses, or birth expenses to the department of workforce  
16 development children and families or its designee for deposit in the support  
17 collections trust fund under s. 25.68 and shall send the portion of any state tax  
18 refunds or credits withheld for delinquent receiving and disbursing fees to the  
19 department of workforce development children and families or its designee for  
20 deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja). The  
21 department of workforce development children and families shall make a settlement  
22 at least annually with the department of revenue. The settlement shall state the  
23 amounts certified, the amounts deducted from tax refunds and credits, and the  
24 administrative costs incurred by the department of revenue.

25 **\*-1267/P1.165\* SECTION 660.** 49.855 (4) (b) of the statutes is amended to read:

1           49.855 (4) (b) The department of administration shall send the portion of any  
2 federal tax refunds or credits received from the internal revenue service that was  
3 withheld for delinquent child or family support or maintenance or past support,  
4 medical expenses, or birth expenses to the department of ~~workforce development~~  
5 children and families or its designee for deposit in the support collections trust fund  
6 under s. 25.68 and shall send the portion of any federal tax refunds or credits received  
7 from the internal revenue service that was withheld for delinquent receiving and  
8 disbursing fees to the department of ~~workforce development~~ children and families  
9 or its designee for deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)  
10 (ja).

11           \*~~1261/P3.496~~\* SECTION 661. 49.855 (4m) (b) of the statutes is amended to  
12 read:

13           49.855 (4m) (b) The department of revenue may provide a certification that it  
14 receives under sub. (1), (2m), or (2p) to the department of administration. Upon  
15 receipt of the certification, the department of administration shall determine  
16 whether the obligor is a vendor or is receiving any other payments from this state,  
17 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
18 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration  
19 determines that the obligor is a vendor or is receiving payments from this state,  
20 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
21 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount  
22 certified from those payments and shall notify the obligor that the state intends to  
23 reduce any payments due the obligor by the amount the obligor is delinquent under  
24 the support, maintenance, or receiving and disbursing fee order or obligation, by the  
25 outstanding amount for past support, medical expenses, or birth expenses under the



1 court order, or by the amount due under s. 46.10 (4), ~~49.345 (4)~~, or 301.12 (4). The  
2 notice shall provide that within 20 days after receipt of the notice the obligor may  
3 request a hearing before the circuit court rendering the order under which the  
4 obligation arose. An obligor may, within 20 days after receiving notice, request a  
5 hearing under this paragraph. Within 10 days after receiving a request for hearing  
6 under this paragraph, the court shall set the matter for hearing. A circuit court  
7 commissioner may conduct the hearing. Pending further order by the court or circuit  
8 court commissioner, the department of ~~workforce development~~ or its designee,  
9 whichever is appropriate, may not disburse the payments withheld from the obligor.  
10 The sole issues at the hearing are whether the obligor owes the amount certified and,  
11 if not and it is a support or maintenance order, whether the money withheld shall be  
12 paid to the obligor or held for future support or maintenance, except that the obligor's  
13 ability to pay is also an issue at the hearing if the obligation relates to an order under  
14 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  
15 order specifies that the court found that the obligor's income was at or below the  
16 poverty line established under 42 USC 9902 (2).

17 **\*-1267/P1.166\* SECTION 662.** 49.855 (4m) (b) of the statutes is amended to  
18 read:

19 49.855 (4m) (b) The department of revenue may provide a certification that it  
20 receives under sub. (1), (2m), or (2p) to the department of administration. Upon  
21 receipt of the certification, the department of administration shall determine  
22 whether the obligor is a vendor or is receiving any other payments from this state,  
23 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
24 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration  
25 determines that the obligor is a vendor or is receiving payments from this state,

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1 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
 2 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount  
 3 certified from those payments and shall notify the obligor that the state intends to  
 4 reduce any payments due the obligor by the amount the obligor is delinquent under  
 5 the support, maintenance, or receiving and disbursing fee order or obligation, by the  
 6 outstanding amount for past support, medical expenses, or birth expenses under the  
 7 court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall  
 8 provide that within 20 days after receipt of the notice the obligor may request a  
 9 hearing before the circuit court rendering the order under which the obligation arose.  
 10 An obligor may, within 20 days after receiving notice, request a hearing under this  
 11 paragraph. Within 10 days after receiving a request for hearing under this  
 12 paragraph, the court shall set the matter for hearing. A circuit court commissioner  
 13 may conduct the hearing. Pending further order by the court or circuit court  
 14 commissioner, the department of workforce development children and families or its  
 15 designee, whichever is appropriate, may not disburse the payments withheld from  
 16 the obligor. The sole issues at the hearing are whether the obligor owes the amount  
 17 certified and, if not and it is a support or maintenance order, whether the money  
 18 withheld shall be paid to the obligor or held for future support or maintenance, except  
 19 that the obligor's ability to pay is also an issue at the hearing if the obligation relates  
 20 to an order under s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. s. 767.89 (3) (e) 1. or 767.805  
 21 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that the  
 22 obligor's income was at or below the poverty line established under 42 USC 9902 (2).

\*-1267/P1.167\* SECTION 663. 49.855 (4m) (c) of the statutes is amended to

read:

Insert 204-22

1           49.855 (4m) (c) Except as provided by order of the court after hearing under  
2           par. (b), the department of administration shall continue withholding until the  
3           amount certified is recovered in full. The department of administration shall  
4           transfer the amounts withheld under this paragraph to the department of ~~workforce~~  
5           ~~development~~ children and families or its designee, the department of health and  
6           family services, or the department of corrections, whichever is appropriate. The  
7           department of ~~workforce development~~ children and families or its designee shall  
8           deposit amounts withheld for delinquent child or family support, maintenance, or  
9           receiving and disbursing fees or past support, medical expenses, or birth expenses  
10          in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (kp).

11           \***-1267/P1.168\*** SECTION 664. 49.855 (5) of the statutes is amended to read:

12           49.855 (5) Certification of an obligation to the department of revenue does not  
13           deprive any party of the right to collect the obligation or to prosecute the obligor. The  
14           department of ~~workforce development~~ children and families or its designee shall  
15           immediately notify the department of revenue of any collection of an obligation that  
16           has been certified to the department of revenue.

17           \***-1267/P1.169\*** SECTION 665. 49.856 (1) (b) of the statutes is amended to read:

18           49.856 (1) (b) "Department" means the department of ~~workforce development~~  
19           children and families.

20           \***-1267/P1.170\*** SECTION 666. 49.857 (1) (cf) of the statutes is created to read:

21           49.857 (1) (cf) "Department" means the department of children and families.

22           \***-1267/P1.171\*** SECTION 667. 49.857 (1) (f) of the statutes is amended to read:

23           49.857 (1) (f) "Subpoena or warrant" means a subpoena or warrant issued by  
24           the department of ~~workforce development~~ or a child support agency and relating to  
25           paternity or support proceedings.