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1           **SECTION 416.** 48.363 (1) (c) of the statutes is amended to read:

2           48.363 (1) (c) If the proposed revision is for a change in the amount of child  
3 support to be paid by a parent, the court shall order the child's parent to provide a  
4 statement of income, assets, debts and living expenses to the court and the person  
5 or agency primarily responsible for implementing the dispositional order by a date  
6 specified by the court. The clerk of court shall provide, without charge, to any parent  
7 ordered to provide a statement of income, assets, debts, and living expenses a  
8 document setting forth the percentage standard established by the department of  
9 ~~workforce development~~ under s. 49.22 (9) and the manner of its application  
10 established by the department of ~~health and family services~~ under s. 46.247 49.345  
11 (14) (g) and listing the factors that a court may consider under s. 46.10 49.345 (14)  
12 (c).

13           **SECTION 417.** 48.363 (2) of the statutes is amended to read:

14           48.363 (2) If the court revises a dispositional order with respect to the amount  
15 of child support to be paid by a parent for the care and maintenance of the parent's  
16 minor child who has been placed by a court order under this chapter in a residential,  
17 nonmedical facility, the court shall determine the liability of the parent in the  
18 manner provided in s. 46.10 49.345 (14).

19           **SECTION 418.** Subchapter XI (title) of chapter 48 [precedes 48.47] of the  
20 statutes is amended to read:

21   **CHAPTER 48**

22   SUBCHAPTER XI

23   DUTIES AND AUTHORITY OF DEPARTMENT

24           **SECTION 419.** 48.47 (intro.) of the statutes is created to read:

1           **48.47 Duties of department.** (intro.) The department shall do all of the  
2 following:

3           **SECTION 420.** 48.47 (3) of the statutes is created to read:

4           **48.47 (3) TRUSTEE DUTY.** When ordered by the court, act as trustee of funds paid  
5 for the support of any child if appointed by the court or a circuit court commissioner  
6 under s. 767.82 (7).

7           **SECTION 421.** 48.47 (4) of the statutes is created to read:

8           **48.47 (4) EDUCATION AND PREVENTION.** Develop and maintain education and  
9 prevention programs that the department considers to be proper.

10          **SECTION 422.** 48.47 (7) (title) of the statutes is created to read:

11          **48.47 (7) (title) CHILDREN AND YOUTH.**

12          **SECTION 423.** 48.48 (2b) of the statutes is created to read:

13          **48.48 (2b)** To accept gifts, grants, or donations of money or of property from  
14 private sources to be administered by the department for the execution of its  
15 functions. All moneys so received shall be paid into the general fund and may be  
16 appropriated from that fund as provided in s. 20.437 (1) (i).

17          **SECTION 424.** 48.48 (4) of the statutes is created to read:

18          **48.48 (4)** In order to discharge more effectively its responsibilities under this  
19 chapter and other relevant provisions of the statutes, to study causes and methods  
20 of prevention and treatment of problems among children and families and related  
21 social problems. The department may utilize all powers provided by the statutes,  
22 including the authority to accept grants of money or property from federal, state, or  
23 private sources, ~~an~~ <sup>and</sup> enlist the cooperation of other appropriate agencies and state  
24 departments.

25          **SECTION 425.** 48.48 (12) (a) of the statutes is amended to read:

1           48.48 (12) (a) To enter into an agreement to assist in the cost of care of a child  
2 after legal adoption when the department has determined that such assistance is  
3 necessary to assure the child's adoption. Agreements under this paragraph shall be  
4 made in accordance with s. 48.975. Payments shall be made from the appropriation  
5 under s. ~~20.435 (3)~~ 20.437 (1) (dd).

6           **SECTION 426.** 48.48 (17) (am) of the statutes is created to read:

7           48.48 (17) (am) The requirement of statewide uniformity with respect to the  
8 organization and governance of human services does not apply to the administration  
9 of child welfare services under par. (a).

10          **SECTION 427.** 48.48 (17) (c) (intro.) of the statutes is amended to read:

11          48.48 (17) (c) (intro.) From the appropriations under s. ~~20.435 (3)~~ 20.437 (1)  
12 (cx), (gx), (kw), and (mx), the department may provide funding for the maintenance  
13 of any child who meets all of the following criteria:

14          **SECTION 428.** 48.48 (17) (c) 3. of the statutes is amended to read:

15          48.48 (17) (c) 3. Received funding under s. 20.437 (1) (cx) or 48.569 (1) (d) or  
16 under s. 20.435 (3) (cx), 2005 stats., or 46.495 (1) (d), 2005 stats., immediately prior  
17 to his or her 18th birthday.

18          **SECTION 429.** 48.48 (17) (d) of the statutes is amended to read:

19          48.48 (17) (d) The funding provided for the maintenance of a child under par.  
20 (c) shall be in an amount equal to that which the child would receive under s. ~~20.435~~  
21 ~~(3)~~ 20.437 (1) (cx), (gx), (kw), and (mx) or ~~46.495~~ 48.569 (1) (d) if the child were 17  
22 years of age.

23          **SECTION 430.** 48.48 (18) of the statutes is created to read:

24          48.48 (18) To contract with public or voluntary agencies or others for the  
25 following purposes:

1 (a) To purchase in full or in part care and services that the department is  
2 authorized by any statute to provide as an alternative to providing that care and  
3 those services itself.

4 (b) To purchase or provide in full or in part the care and services that county  
5 agencies may provide or purchase under any statute and to sell to county agencies  
6 such portions of that care and those services as the county agency may desire to  
7 purchase.

8 (d) To sell services, under contract, that the department is authorized to  
9 provide by statute, to any federally recognized tribal governing body.

10 **SECTION 431.** 48.547 (2) of the statutes is amended to read:

11 48.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding  
12 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the program, the department  
13 shall select counties to participate in the program. Unless a county department of  
14 human services has been established under s. 46.23 in the county that is seeking to  
15 implement a program, the application submitted to the department shall be a joint  
16 application by the county department that provides social services and the county  
17 department established under s. 51.42 or 51.437. The department shall select  
18 counties in accordance with the request for proposal procedures established by the  
19 department. The department shall give a preference to county applications that  
20 include a plan for case management.

21 **SECTION 432.** 48.55 (1) of the statutes is amended to read:

22 48.55 (1) The department shall establish a state adoption information  
23 exchange for the purpose of finding adoptive homes for children with special needs  
24 who do not have permanent homes and a state adoption center for the purposes of  
25 increasing public knowledge of adoption and promoting to adolescents and pregnant

1 women the availability of adoption services. From the appropriation under s. ~~20.435~~  
2 ~~(3) 20.437 (1) (dg)~~, the department may provide not more than \$163,700 in fiscal year  
3 ~~2001-02~~ and not more than \$171,300 in each fiscal year thereafter as grants to  
4 individuals and private agencies to provide adoption information exchange services  
5 and to operate the state adoption center.

6 **SECTION 433.** 48.561 (3) (a) 1. of the statutes is amended to read:

7 48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the amount amounts  
8 distributed to that county under s. ss. 46.40 (2) and 48.563 (2) in each state fiscal year.

9 **SECTION 434.** 48.561 (3) (b) of the statutes is amended to read:

10 48.561 (3) (b) The department of administration shall collect the amount  
11 specified in par. (a) 3. from a county having a population of 500,000 or more by  
12 deducting all or part of that amount from any state payment due that county under  
13 s. 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration shall  
14 notify the department of revenue, by September 15 of each year, of the amount to be  
15 deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or 79.08.  
16 The department of administration shall credit all amounts collected under this  
17 paragraph to the appropriation account under s. ~~20.435 (3) 20.437 (1) (kw)~~ and shall  
18 notify the county from which those amounts are collected of that collection. The  
19 department may not expend any moneys from the appropriation account under s.  
20 ~~20.435 (3) 20.437 (1) (cx)~~ for providing services to children and families under s. 48.48  
21 (17) until the amounts in the appropriation account under s. ~~20.435 (3) 20.437 (1)~~  
22 (kw) are exhausted.

23 **SECTION 435.** 48.563 of the statutes is created to read:

24 **48.563 Children and family aids funding. (1) DISTRIBUTION LIMITS.** (a)  
25 Within the limits of available federal funds and of the appropriations under s. 20.437

1 (1) (b) and (o), the department shall distribute funds for children and family services  
2 to county departments as provided in subs. (2), (3), and (7m) and s. 48.986.

3 (d) If the department receives from the department of health and family  
4 services under s. 46.40 (1) (d) any federal moneys under 42 USC 1396 to 1396v in  
5 reimbursement of the cost of preventing out-of-home placements of children, the  
6 department shall use those moneys as the first source of moneys used to meet the  
7 amount of the allocation under sub. (2) that is budgeted from federal funds.

8 **(2) BASIC COUNTY ALLOCATION.** For children and family services under s. 48.569  
9 (1) (d), the department shall distribute not more than \$66,268,600 in each fiscal year.

10 ~~**(2d) TRANSFER BETWEEN COUNTY ALLOCATIONS.** A county department may~~  
11 ~~transfer moneys distributed to that county department under this subsection to the~~  
12 ~~allocation of that county department under s. 46.40 (2). This subsection does not~~  
13 ~~apply after December 31, 2014.~~

14 **SECTION 436.** 48.565 of the statutes is created to read:

15 **48.565 Carry-over of children and family aids funds.** Funds allocated by  
16 the department under s. 48.569 (1) (d) but not spent or encumbered by counties,  
17 governing bodies of federally recognized American Indian tribes, or private nonprofit  
18 organizations by December 31 of each year and funds recovered under s. 48.569 (2)  
19 (b) and deposited into the appropriation account under s. 20.437 (1) (b) lapse to the  
20 general fund on the succeeding January 1 unless carried forward to the next calendar  
21 year under s. 20.437 (1) (b) or as follows:

22 **(3)** At the request of a county, tribal governing body, or private nonprofit  
23 organization, the department shall carry forward up to 3 percent of the total amount  
24 allocated to the county, tribal governing body, or nonprofit organization for a  
25 calendar year. All funds carried forward for a tribal governing body or nonprofit

1 organization and all federal child welfare funds under 42 USC 620 to 626 carried  
2 forward for a county shall be used for the purpose for which the funds were originally  
3 allocated. Other funds carried forward under this subsection may be used for any  
4 purpose under s. 20.437 (1) (b), except that a county may not use any funds carried  
5 forward under this subsection for administrative or staff costs. An allocation of  
6 carried-forward funding under this subsection does not affect a county's base  
7 allocation under s. 48.563 (2).

8 (6) The department may carry forward 10 percent of any funds specified in sub.  
9 (3) that are not carried forward under sub. (3) for emergencies, for justifiable unit  
10 services costs above planned levels, and for increased costs due to population shifts.  
11 An allocation of carried-forward funding under this subsection does not affect a  
12 county's base allocation under s. 48.563 (2).

13 **SECTION 437.** 48.567 of the statutes is created to read:

14 **48.567 Expenditure of income augmentation services receipts. (1)**

15 From the appropriation account under s. 20.437 (3) (mp), the department shall  
16 support costs that are exclusively related to the ongoing and recurring operational  
17 costs of augmenting the amount of moneys received under 42 USC 670 to 679a and  
18 to any other purpose provided for by the legislature by law or in budget  
19 determinations. In addition, the department may expend moneys from the  
20 appropriation account under s. 20.437 (3) (mp) as provided in sub. (2).

21 (2) If the department proposes to use any moneys from the appropriation  
22 account under s. 20.437 (3) (mp) ~~or any moneys transferred to the department under~~  
23 ~~s. 46.46 (1m)~~ for any purpose other than the purposes specified in sub. (1) or s. 46.46  
24 (1m), the department shall submit a plan for the proposed use of those moneys to the  
25 secretary of administration by September 1 of the fiscal year after the fiscal year in

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Suby (1) and

1 which those moneys were received. If the secretary of administration approves the  
2 plan, he or she shall submit the plan to the joint committee on finance by October 1  
3 of the fiscal year after the fiscal year in which those moneys were received. If the  
4 cochairpersons of the committee do not notify the secretary of administration within  
5 14 working days after the date of submittal of the plan that the committee has  
6 scheduled a meeting for the purpose of reviewing the plan, the department may  
7 implement the plan. If within 14 working days after the date of the submittal by the  
8 secretary of administration the cochairpersons of the committee notify him or her  
9 that the committee has scheduled a meeting for the purpose of reviewing the plan,  
10 the department may implement the plan only with the approval of the committee.

11 **SECTION 438.** 48.568 of the statutes is created to read:

12 **48.568 Allocation of federal funds for children and family aids and**  
13 **child welfare.** Subject to s. 48.563 (1) (b) and (c), if the department receives  
14 unanticipated federal foster care and adoption assistance payments under 42 USC  
15 670 to 679a and it proposes to allocate the unanticipated funds so that an allocation  
16 limit in s. 48.563 is exceeded, the department shall submit a plan for the proposed  
17 allocation to the secretary of administration. If the secretary of administration  
18 approves the plan, he or she shall submit it to the joint committee on finance. If the  
19 cochairpersons of the committee do not notify the secretary of administration that  
20 the committee has scheduled a meeting for the purpose of reviewing the plan within  
21 14 working days after the date of his or her submittal, the department may  
22 implement the plan, notwithstanding any allocation limits under s. 48.563. If within  
23 14 working days after the date of the submittal by the secretary of administration  
24 the cochairpersons of the committee notify him or her that the committee has  
25 scheduled a meeting for the purpose of reviewing the plan, the department may



1 implement the plan, notwithstanding s. 48.563, only with the approval of the  
2 committee.

3 **SECTION 439.** 48.569 of the statutes is created to read:

4 **48.569 Distribution of children and family aids funds to counties. (1)**

5 (am) The department shall reimburse each county from the appropriations under  
6 s. 20.437 (1) (b) and (o) for children and family services as approved by the  
7 department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

8 (d) From the appropriations under s. 20.437 (1) (b) and (o), the department shall  
9 distribute the funding for children and family services, including funding for foster  
10 care, treatment foster care, or subsidized guardianship care of a child on whose  
11 behalf aid is received under s. 48.645 to county departments as provided under s.  
12 48.563. County matching funds are required for the distribution under s. 48.563 (2).  
13 Each county's required match for the distribution under s. 48.563 (2) shall be  
14 specified in a schedule established annually by the department. Matching funds  
15 may be from county tax levies, federal and state revenue sharing funds, or private  
16 donations to the county that meet the requirements specified in sub. (1m). Private  
17 donations may not exceed 25 percent of the total county match. If the county match  
18 is less than the amount required to generate the full amount of state and federal  
19 funds distributed for this period, the decrease in the amount of state and federal  
20 funds equals the difference between the required and the actual amount of county  
21 matching funds.

22 (dc) The department shall prorate the amount allocated to any county  
23 department under par. (d) to reflect actual federal funds available.

1 (f) 1. If any state matching funds allocated under par. (d) to match county funds  
2 are not claimed, the funds shall be redistributed for the purposes the department  
3 designates.

4 2. The county allocation to match aid increases shall be included in the contract  
5 under s. 49.325 (2g), and approved by January 1 of the year for which funds are  
6 allocated, in order to generate state aid matching funds. All funds allocated under  
7 par. (d) shall be included in the contract under s. 49.325 (2g) and approved.

8 **(1m)** (a) A private donation to a county may be used to match the state  
9 grant-in-aid under sub. (1) (d) only if the donation is both of the following:

10 1. Donated to a county department and the donation is under the  
11 administrative control of that county department.

12 2. Donated without restrictions as to use, unless the restrictions specify that  
13 the donation be used for a particular service and the donor neither sponsors nor  
14 operates the service.

15 (b) Voluntary federated fund-raising organizations are not sponsors or  
16 operators of services within the meaning of par. (a) 2. Any member agency of such  
17 an organization that sponsors or operates services is considered to be an autonomous  
18 entity separate from the organization unless the board membership of the  
19 organization and the agency interlock.

20 **(2)** (a) The county treasurer and each director of a county department shall  
21 monthly certify under oath to the department, in the manner the department  
22 prescribes, the claim of the county for state reimbursement under this section, and  
23 if the department approves the claim it shall certify to the department of  
24 administration for reimbursement to the county for amounts due under this section  
25 and payment claimed to be made to the counties monthly. The department may make

1 advance payments prior to the beginning of each month equal to one-twelfth of the  
2 contracted amount.

3 (b) To facilitate prompt reimbursement, the certificate of the department may  
4 be based on the certified statements of the county officers filed under par. (a). Funds  
5 recovered from audit adjustments from a prior fiscal year may be included in  
6 subsequent certifications only to pay counties owed funds as a result of any audit  
7 adjustment. By September 30 of each year the department shall submit a report to  
8 the appropriate standing committees under s. 13.172 (3) on funds recovered and paid  
9 out during the previous calendar year as a result of audit adjustments.

10 **SECTION 440.** 48.57 (1) (g) of the statutes is amended to read:

11 48.57 (1) (g) Upon request of the department of ~~health and family services~~ or  
12 the department of corrections, to provide service for any child or expectant mother  
13 of an unborn child in the care of those departments.

14 **SECTION 441.** 48.57 (3) (a) 3. (intro.) of the statutes is amended to read:

15 48.57 (3) (a) 3. (intro.) Received funding under s. 48.569 (1) (d) or under s.  
16 46.495 (1) (d), 2005 stats., immediately prior to his or her 18th birthday; and

17 **SECTION 442.** 48.57 (3) (b) of the statutes is amended to read:

18 48.57 (3) (b) The funding provided for the maintenance of a child under par. (a)  
19 shall be in an amount equal to that which the child would receive under s. 46.495  
20 48.569 (1) (d) if the child were 17 years of age.

21 **SECTION 443.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

22 48.57 (3m) (am) (intro.) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1)  
23 (kc), the department shall reimburse counties having populations of less than  
24 500,000 for payments made under this subsection and shall make payments under  
25 this subsection in a county having a population of 500,000 or more. A county

1 department and, in a county having a population of 500,000 or more, the department  
2 shall make payments in the amount of \$215 per month to a kinship care relative who  
3 is providing care and maintenance for a child if all of the following conditions are met:

4 **SECTION 444.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

5 48.57 **(3n)** (am) (intro.) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1)  
6 (kc), the department shall reimburse counties having populations of less than  
7 500,000 for payments made under this subsection and shall make payments under  
8 this subsection in a county having a population of 500,000 or more. A county  
9 department and, in a county having a population of 500,000 or more, the department  
10 shall make monthly payments for each child in the amount specified in sub. (3m)  
11 (am) (intro.) to a long-term kinship care relative who is providing care and  
12 maintenance for that child if all of the following conditions are met:

13 **SECTION 445.** 48.57 (3p) (b) 1. of the statutes is amended to read:

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

19 **SECTION 446.** 48.57 (3p) (b) 2. of the statutes is amended to read:

20 48.57 **(3p)** (b) 2. The county department or, in a county having a population of  
21 500,000 or more, the department of health and family services, with the assistance  
22 of the department of justice, may conduct a background investigation of any person  
23 who is receiving payments under sub. (3m) at the time of review under sub. (3m) (d)  
24 or at any other time that the county department or department of health and family  
25 services considers to be appropriate.

1           **SECTION 447.** 48.57 (3p) (b) 3. of the statutes is amended to read:

2           48.57 **(3p)** (b) 3. The county department or, in a county having a population of  
3           500,000 or more, the department of ~~health and family services~~, with the assistance  
4           of the department of justice, may conduct a background investigation of any person  
5           who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that  
6           the county department or department of ~~health and family services~~ considers to be  
7           appropriate.

8           **SECTION 448.** 48.57 (3p) (c) 1. of the statutes is amended to read:

9           48.57 **(3p)** (c) 1. After receipt of an application for payments under sub. (3m)  
10          or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a  
11          population of 500,000 or more, the department of ~~health and family services~~, with  
12          the assistance of the department of justice, shall, in addition to the investigation  
13          under par. (b) 1., conduct a background investigation of all employees and  
14          prospective employees of the applicant who have or would have regular contact with  
15          the child for whom those payments are being made and of each adult resident.

16          **SECTION 449.** 48.57 (3p) (c) 2. of the statutes is amended to read:

17          48.57 **(3p)** (c) 2. The county department or, in a county having a population of  
18          500,000 or more, the department of ~~health and family services~~, with the assistance  
19          of the department of justice, may conduct a background investigation of any of the  
20          employees or prospective employees of any person who is receiving payments under  
21          sub. (3m) who have or would have regular contact with the child for whom those  
22          payments are being made and of each adult resident at the time of review under sub.  
23          (3m) (d) or at any other time that the county department or department of ~~health and~~  
24          ~~family services~~ considers to be appropriate.

25          **SECTION 450.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

1           48.57 **(3p)** (c) 2m. The county department or, in a county having a population  
2 of 500,000 or more, the department of ~~health and family services~~, with the assistance  
3 of the department of justice, may conduct a background investigation of any of the  
4 employees or prospective employees of any person who is receiving payments under  
5 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child  
6 for whom payments are being made and of each adult resident at any time that the  
7 county department or department of ~~health and family services~~ considers to be  
8 appropriate.

9           **SECTION 451.** 48.57 (3p) (c) 3. of the statutes is amended to read:

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

18           **SECTION 452.** 48.57 (3p) (d) of the statutes is amended to read:

19           48.57 **(3p)** (d) If the person being investigated under par. (b) or (c) is a  
20 nonresident, or at any time within the 5 years preceding the date of the application  
21 has been a nonresident, or if the county department or, in a county having a  
22 population of 500,000 or more, the department of ~~health and family services~~  
23 determines that the person's employment, licensing or state court records provide a  
24 reasonable basis for further investigation, the county department or department of  
25 ~~health and family services~~ shall require the person to be fingerprinted on 2

1 fingerprint cards, each bearing a complete set of the person's fingerprints. The  
2 department of justice may provide for the submission of the fingerprint cards to the  
3 federal bureau of investigation for the purposes of verifying the identity of the person  
4 fingerprinted and obtaining records of his or her criminal arrest and conviction.

5 **SECTION 453.** 48.57 (3p) (e) (intro.) of the statutes is amended to read:

6 48.57 (3p) (e) (intro.) Upon request, a person being investigated under par. (b)  
7 or (c) shall provide the county department or, in a county having a population of  
8 500,000 or more, the department of health and family services with all of the  
9 following information:

10 **SECTION 454.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

11 48.57 (3p) (fm) 1. The county department or, in a county having a population  
12 of 500,000 or more, the department of health and family services may provisionally  
13 approve the making of payments under sub. (3m) based on the applicant's statement  
14 under sub. (3m) (am) 4m. The county department or department of health and family  
15 services may not finally approve the making of payments under sub. (3m) unless the  
16 county department or department of health and family services receives information  
17 from the department of justice indicating that the conviction record of the applicant  
18 under the law of this state is satisfactory according to the criteria specified in par.  
19 (g) 1. to 3. or payment is approved under par. (h) 4. The county department or  
20 department of health and family services may make payments under sub. (3m)  
21 conditioned on the receipt of information from the federal bureau of investigation  
22 indicating that the person's conviction record under the law of any other state or  
23 under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

24 **SECTION 455.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

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

24           **SECTION 456.** 48.57 (3p) (fm) 2. of the statutes is amended to read:



1           48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may  
2 provisionally employ a person in a position in which that person would have regular  
3 contact with the child for whom those payments are being made or provisionally  
4 permit a person to be an adult resident if the person receiving those payments states  
5 to the county department or, in a county having a population of 500,000 or more, the  
6 department of health and family services that the employee or adult resident does  
7 not have any arrests or convictions that could adversely affect the child or the ability  
8 of the person receiving payments to care for the child. A person receiving payments  
9 under sub. (3m) may not finally employ a person in a position in which that person  
10 would have regular contact with the child for whom those payments are being made  
11 or finally permit a person to be an adult resident until the county department or, in  
12 a county having a population of 500,000 or more, the department of health and family  
13 services receives information from the department of justice indicating that the  
14 person's conviction record under the law of this state is satisfactory according to the  
15 criteria specified in par. (g) 1. to 3. and the county department or, in a county having  
16 a population of 500,000 or more, the department of health and family services so  
17 advises the person receiving payments under sub. (3m) or until a decision is made  
18 under par. (h) 4. to permit a person who is receiving payments under sub. (3m) to  
19 employ a person in a position in which that person would have regular contact with  
20 the child for whom payments are being made or to permit a person to be an adult  
21 resident and the county department or, in a county having a population of 500,000  
22 or more, the department of health and family services so advises the person receiving  
23 payments under sub. (3m). A person receiving payments under sub. (3m) may finally  
24 employ a person in a position in which that person would have regular contact with  
25 the child for whom those payments are being made or finally permit a person to be

1 an adult resident conditioned on the receipt of information from the county  
2 department or, in a county having a population of 500,000 or more, the department  
3 of health and family services that the federal bureau of investigation indicates that  
4 the person's conviction record under the law of any other state or under federal law  
5 is satisfactory according to the criteria specified in par. (g) 1. to 3.

6 **SECTION 457.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

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

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

18 **SECTION 458.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

19 48.57 (3p) (g) (intro.) Except as provided in par. (h), the county department or,  
20 in a county having a population of 500,000 or more, the department of ~~health and~~  
21 ~~family services~~ may not make payments to a person applying for payments under  
22 sub. (3m) and a person receiving payments under sub. (3m) may not employ a person  
23 in a position in which that person would have regular contact with the child for whom  
24 those payments are being made or permit a person to be an adult resident if any of  
25 the following applies:

1           **SECTION 459.** 48.57 (3p) (g) 3. of the statutes is amended to read:

2           48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944m  
3           or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63m or 948.70,  
4           or of a violation of the law of any other state or federal law that would be a violation  
5           of ch. 940, 944m or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,  
6           948.63m or 948.70, if committed in this state, except that a county department or,  
7           in a county having a population of 500,000 or more, the department of ~~health and~~  
8           ~~family services~~ may make payments to a person applying for payments under sub.  
9           (3m) and a person receiving payments under sub. (3m) may employ in a position in  
10          which the person would have regular contact with the child for whom those payments  
11          are being made or permit to be an adult resident a person who has been convicted  
12          of a violation of s. 944.30, 944.31, or 944.33 or of a violation of the law of any other  
13          state or federal law that would be a violation of s. 944.30, 944.31, or 944.33 if  
14          committed in this state, if that violation occurred 20 years or more before the date  
15          of the investigation.

16          **SECTION 460.** 48.57 (3p) (h) 2. of the statutes is amended to read:

17          48.57 **(3p)** (h) 2. The request for review shall be filed with the director of the  
18          county department or, in a county having a population of 500,000 or more, with the  
19          person designated by the secretary of ~~health and family services~~ to receive requests  
20          for review filed under this subdivision. If the governing body of a federally  
21          recognized American Indian tribe or band has entered into an agreement under sub.  
22          (3t) to administer the program under this subsection and sub. (3m), the request for  
23          review shall be filed with the person designated by that governing body to receive  
24          requests for review filed under this subdivision.

25          **SECTION 461.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

1           48.57 (3p) (h) 3. (intro.) The director of the county department, the person  
2           designated by the governing body of a federally recognized American Indian tribe or  
3           band or, in a county having a population of 500,000 or more, the person designated  
4           by the secretary of ~~health and family services~~ shall review the denial of payments or  
5           the prohibition on employment or being an adult resident to determine if the  
6           conviction record on which the denial or prohibition is based includes any arrests,  
7           convictions, or penalties that are likely to adversely affect the child or the ability of  
8           the kinship care relative to care for the child. In reviewing the denial or prohibition,  
9           the director of the county department, the person designated by the governing body  
10          of the federally recognized American Indian tribe or band or the person designated  
11          by the secretary of ~~health and family services~~ shall consider, ~~but not be limited to,~~  
12          all of the following factors:

13           **SECTION 462.** 48.57 (3p) (h) 4. of the statutes is amended to read:

14           48.57 (3p) (h) 4. If the director of the county department, the person designated  
15          by the governing body of the federally recognized American Indian tribe or band or,  
16          in a county having a population of 500,000 or more, the person designated by the  
17          secretary of ~~health and family services~~ determines that the conviction record on  
18          which the denial of payments or the prohibition on employment or being an adult  
19          resident is based does not include any arrests, convictions, or penalties that are likely  
20          to adversely affect the child or the ability of the kinship care relative to care for the  
21          child, the director of the county department, the person designated by the governing  
22          body of the federally recognized American Indian tribe or band, or the person  
23          designated by the secretary of ~~health and family services~~ may approve the making  
24          of payments under sub. (3m) or may permit a person receiving payments under sub.  
25          (3m) to employ a person in a position in which that person would have regular contact

1 with the child for whom payments are being made or permit a person to be an adult  
2 resident.

3 **SECTION 463.** 48.57 (3p) (i) of the statutes is amended to read:

4 48.57 (3p) (i) A county department and, in a county having a population of  
5 500,000 or more, the department of ~~health and family services~~ shall keep  
6 confidential all information received under this subsection from the department of  
7 justice or the federal bureau of investigation. Such information is not subject to  
8 inspection or copying under s. 19.35.

9 **SECTION 464.** 48.57 (3p) (j) of the statutes is amended to read:

10 48.57 (3p) (j) A county department or, in a county having a population of  
11 500,000 or more, the department of ~~health and family services~~ may charge a fee for  
12 conducting a background investigation under this subsection. The fee may not  
13 exceed the reasonable cost of conducting the investigation.

14 **SECTION 465.** 48.576 of the statutes is created to read:

15 **48.576 Shelter care facilities; general supervision and inspection by**  
16 **department.** (1) **GENERALLY.** The department shall investigate and supervise all  
17 shelter care facilities and familiarize itself with all the circumstances affecting their  
18 management and usefulness.

19 (2) **INSPECTIONS.** The department shall inquire into the methods of treatment,  
20 instruction, government, and management of children placed in shelter care  
21 facilities; the conduct of the trustees, managers, directors, superintendents, and  
22 other officers and employees of those facilities; the condition of the buildings,  
23 grounds, and all other property pertaining to those facilities; and all other matters  
24 pertaining to the usefulness and management of those facilities; and recommend to

1 the officers in charge such changes and additional provisions as the department  
2 considers proper.

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

8 (4) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon request  
9 of the department, the attorney general or the district attorney of the proper county  
10 shall aid in any investigation, inspection, hearing, or trial had under the provisions  
11 of this chapter relating to powers of the department, and shall institute and  
12 prosecute all necessary actions or proceedings for the enforcement of those  
13 provisions and for the punishment of violations of those provisions. The attorney  
14 general or district attorney so requested shall report or confer with the department  
15 regarding the request, within 30 days after the receipt of the request.

16 (5) OPPORTUNITY TO INSPECT. All trustees, managers, directors,  
17 superintendents, and other officers or employees of a shelter care facility shall at all  
18 times afford to every member of the department and its agents unrestrained facility  
19 for inspection of and free access to all parts of the buildings and grounds and to all  
20 books and papers of the shelter care facility, and shall give, either verbally or in  
21 writing, such information as the department requires. Any person who violates this  
22 subsection shall forfeit not less than \$10 nor more than \$100.

23 (6) TESTIMONIAL POWER; EXPENSES. The department or any person delegated by  
24 the department may administer oaths, take testimony, and cause depositions to be

1 taken. All expenses of the investigations, including fees of officers and witnesses,  
2 shall be charged to the appropriation for the department.

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

5 **SECTION 466.** 48.578 of the statutes is created to read:

6 **48.578 Shelter care facilities; establishment, approval, inspection. (1)**

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

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

14 (3) Before any shelter care facility is occupied, and at least annually thereafter,  
15 the department shall inspect the shelter care facility, with respect to safety,  
16 sanitation, adequacy, and fitness, and report to the authorities managing the shelter  
17 care facility any deficiency found, and order the necessary work to correct that  
18 deficiency. If within 6 months after the inspection the work is not commenced, or not  
19 completed within a reasonable period after commencement of the work, to the  
20 satisfaction of the department, the department shall suspend the allowance of state  
21 aid for, and prohibit the use of the shelter care facility, until the order is complied  
22 with.

23 **SECTION 467.** 48.60 (3) of the statutes is amended to read:

24 48.60 (3) Before issuing or continuing any license to a child welfare agency  
25 under this section, the department of ~~health and family services~~ shall review the



1 need for the additional placement resources that would be made available by  
2 licensing or continuing the license of any child welfare agency after August 5, 1973,  
3 providing care authorized under s. 48.61 (3). Neither the department of health and  
4 family services nor the department of corrections may make any placements to any  
5 child welfare agency where the departmental review required under this subsection  
6 has failed to indicate the need for the additional placement resources.

7 **SECTION 468.** 48.62 (5) (d) of the statutes is amended to read:

8 48.62 (5) (d) The department shall request from the secretary of the federal  
9 department of health and human services a waiver of the requirements under 42  
10 USC 670 to 679a that would authorize the state to receive federal foster care and  
11 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of  
12 providing care for a child who is in the care of a guardian who was licensed as the  
13 child's foster parent or treatment foster parent before the guardianship appointment  
14 and who has entered into a subsidized guardianship agreement with the county  
15 department or department. If the waiver is approved for a county having a  
16 population of 500,000 or more, the department shall provide the monthly payments  
17 under par. (a) from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cx), (gx), (kw),  
18 and (mx). If the waiver is approved for any other county, the department shall  
19 determine which counties are authorized to provide monthly payments under par.  
20 (a) or (b), and the county departments of those counties shall provide those payments  
21 from moneys received under s. ~~46.495~~ 48.569 (1) (d).

22 **SECTION 469.** 48.627 (2) (c) of the statutes is amended to read:

23 48.627 (2) (c) The department shall conduct a study to determine the  
24 cost-effectiveness of purchasing insurance to provide standard homeowner's or  
25 renter's liability insurance coverage for applicants who are granted a waiver under

1 par. (b). If the department determines that it would be cost-effective to purchase  
2 such insurance, it may purchase the insurance from the appropriations under s.  
3 ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

4 **SECTION 470.** 48.627 (2c) of the statutes is amended to read:

5 48.627 (2c) The department shall determine the cost-effectiveness of  
6 purchasing private insurance that would provide coverage to foster, treatment foster,  
7 and family-operated group home parents for acts or omissions by or affecting a child  
8 who is placed in a foster home, a treatment foster home, or a family-operated group  
9 home. If this private insurance is cost-effective and available, the department shall  
10 purchase the insurance from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf)  
11 and (pd). If the insurance is unavailable, payment of claims for acts or omissions by  
12 or affecting a child who is placed in a foster home, a treatment foster home, or a  
13 family-operated group home shall be in accordance with subs. (2m) to (3).

14 **SECTION 471.** 48.627 (2m) of the statutes is amended to read:

15 48.627 (2m) Within the limits of the appropriations under s. ~~20.435 (3)~~ 20.437  
16 (1) (cf) and (pd), the department shall pay claims to the extent not covered by any  
17 other insurance and subject to the limitations specified in sub. (3), for bodily injury  
18 or property damage sustained by a licensed foster, treatment foster, or  
19 family-operated group home parent or a member of the foster, treatment foster, or  
20 family-operated group home parent's family as a result of the act of a child in the  
21 foster, treatment foster, or family-operated group home parent's care.

22 **SECTION 472.** 48.627 (2s) (intro.) of the statutes is amended to read:

23 48.627 (2s) (intro.) Within the limits of the appropriations under s. ~~20.435 (3)~~  
24 20.437 (1) (cf) and (pd), the department may pay claims to the extent not covered by

1 any other insurance and subject to the limitations specified in sub. (3), for all of the  
2 following:

3 **SECTION 473.** 48.627 (3) (f) of the statutes is amended to read:

4 48.627 (3) (f) If the total amount of the claims approved during any calendar  
5 quarter exceeds 25% of the total funds available during the fiscal year for purposes  
6 of this subsection plus any unencumbered funds remaining from the previous  
7 quarter, the department shall prorate the available funds among the claimants with  
8 approved claims. The department shall also prorate any unencumbered funds  
9 remaining in the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (cf) at the end of each  
10 fiscal year among the claimants whose claims were prorated during the fiscal year.  
11 Payment of a prorated amount from unencumbered funds remaining at the end of  
12 the fiscal year constitutes a complete payment of the claim for purposes of this  
13 program, but does not prohibit a foster parent or treatment foster parent from  
14 submitting a claim under s. 16.007 for the unpaid portion.

15 **SECTION 474.** 48.627 (4) of the statutes is amended to read:

16 48.627 (4) Except as provided in s. 895.485, the department is not liable for any  
17 act or omission by or affecting a child who is placed in a foster home, treatment foster  
18 home, or family-operated group home, but shall, as provided in this section, pay  
19 claims described under sub. (2m) and may pay claims described under sub. (2s) or  
20 may purchase insurance to cover such claims as provided for under sub. (2c), within  
21 the limits of the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

22 **SECTION 475.** 48.63 (1) of the statutes is amended to read:

23 48.63 (1) Acting under court order or voluntary agreement, the child's parent  
24 or guardian or the department of ~~health and family services~~, the department of  
25 corrections, a county department, or a child welfare agency licensed to place children

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

17 **SECTION 476.** 48.64 (1) of the statutes is amended to read:

18 48.64 (1) DEFINITION. In this section, "agency" means the department of health  
19 and family services, the department of corrections, a county department, or a  
20 licensed child welfare agency authorized to place children in foster homes, treatment  
21 foster homes, or group homes.

22 **SECTION 477.** 48.651 (1) (intro.) of the statutes is amended to read:

23 48.651 (1) (intro.) Each county department shall certify, according to the  
24 standards adopted by the department of workforce development under s. 49.155 (1d),  
25 each day care provider reimbursed for child care services provided to families

1 determined eligible under s. 49.155, unless the provider is a day care center licensed  
 2 under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county  
 3 may charge a fee to cover the costs of certification. To be certified under this section,  
 4 a person must meet the minimum requirements for certification established by the  
 5 department of workforce development under s. 49.155 (1d), meet the requirements  
 6 specified in s. 48.685 and pay the fee specified in this section. The county shall certify  
 7 the following categories of day care providers:

8 **SECTION 478.** 48.651 (1) (a) of the statutes is amended to read:

9 48.651 (1) (a) Level I certified family day care providers, as established by the  
 10 department of workforce development under s. 49.155 (1d). No county may certify  
 11 a provider under this paragraph if the provider is a relative of all of the children for  
 12 whom he or she provides care.

13 **SECTION 479.** 48.651 (1) (b) of the statutes is amended to read:

14 48.651 (1) (b) Level II certified family day care providers, as established by the  
 15 department of workforce development, under s. 49.155 (1d).

16 **SECTION 480.** 48.66 (1) (a) of the statutes is amended to read:

17 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall  
 18 license and supervise child welfare agencies, as required by s. 48.60, group homes,  
 19 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care  
 20 centers, as required by s. 48.65. The department may license foster homes or  
 21 treatment foster homes, as provided by s. 48.62, and may license and supervise  
 22 county departments in accordance with the procedures specified in this section and  
 23 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the  
 24 records and visit the premises of all child welfare agencies, group homes, shelter care

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1 facilities, and day care centers and visit the premises of all foster homes and  
2 treatment foster homes in which children are placed.

3 **SECTION 481.** 48.66 (2m) (a) 1. of the statutes is amended to read:

4 48.66 **(2m)** (a) 1. Except as provided in subd. 2., the department of health and  
5 family services shall require each applicant for a license under sub. (1) (a) to operate  
6 a child welfare agency, group home, shelter care facility, or day care center who is an  
7 individual to provide that department with the applicant's social security number,  
8 and shall require each applicant for a license under sub. (1) (a) to operate a child  
9 welfare agency, group home, shelter care facility, or day care center who is not an  
10 individual to provide that department with the applicant's federal employer  
11 identification number, when initially applying for or applying to continue the license.

12 **SECTION 482.** 48.66 (2m) (a) 2. of the statutes is amended to read:

13 48.66 **(2m)** (a) 2. If an applicant who is an individual does not have a social  
14 security number, the applicant shall submit a statement made or subscribed under  
15 oath or affirmation to the department of health and family services that the  
16 applicant does not have a social security number. The form of the statement shall  
17 be prescribed by the department of workforce development. A license issued in  
18 reliance upon a false statement submitted under this subdivision is invalid.

19 **SECTION 483.** 48.66 (2m) (am) 2. of the statutes is amended to read:

20 48.66 **(2m)** (am) 2. If an applicant who is an individual does not have a social  
21 security number, the applicant shall submit a statement made or subscribed under  
22 oath or affirmation to the department of corrections that the applicant does not have  
23 a social security number. The form of the statement shall be prescribed by the  
24 department of workforce development. A license issued in reliance upon a false  
25 statement submitted under this subdivision is invalid.

1           **SECTION 484.** 48.66 (2m) (b) of the statutes is amended to read:

2           48.66 (2m) (b) If an applicant who is an individual fails to provide the  
3 applicant's social security number to the department of health and family services  
4 or if an applicant who is not an individual fails to provide the applicant's federal  
5 employer identification number to ~~that~~ the department, that department may not  
6 issue or continue a license under sub. (1) (a) to operate a child welfare agency, group  
7 home, shelter care facility, or day care center to or for the applicant unless the  
8 applicant is an individual who does not have a social security number and the  
9 applicant submits a statement made or subscribed under oath or affirmation as  
10 required under par. (a) 2.

11           **SECTION 485.** 48.66 (2m) (c) of the statutes is amended to read:

12           48.66 (2m) (c) The subunit of the department of health and family services that  
13 obtains a social security number or a federal employer identification number under  
14 par. (a) 1. may not disclose any that information obtained under par. (a) 1. to any  
15 person except to the department of revenue for the sole purpose of requesting  
16 certifications under s. 73.0301 or on the request of the subunit of the department of  
17 workforce development that administers the child and spousal support program  
18 under s. 49.22 (2m).

19           **SECTION 486.** 48.66 (2m) (cm) of the statutes is amended to read:

20           48.66 (2m) (cm) The department of corrections may not disclose any  
21 information obtained under par. (am) 1. to any person except on the request of the  
22 department of workforce development under s. 49.22 (2m).

23           **SECTION 487.** 48.675 (3) (intro.) of the statutes is amended to read:

24           48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from  
25 the appropriation under s. 20.435-~~(6)~~ 20.437 (1) (a) to enable foster parents and

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1 treatment foster parents to attend education programs approved under sub. (2) and  
2 shall promulgate rules concerning disbursement of the funds. Moneys disbursed  
3 under this subsection may be used for the following purposes:

4 **SECTION 488.** 48.685 (5c) (a) of the statutes is amended to read:

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

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11 **SECTION 489.** 48.715 (6) of the statutes is amended to read:

12 48.715 (6) The department of ~~health and family services~~ shall deny, suspend,  
13 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a  
14 probationary license under s. 48.69 to operate a child welfare agency, group home,  
15 shelter care facility, or day care center, and the department of corrections shall deny,  
16 suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1)  
17 (b) to operate a secured residential care center for children and youth, for failure of  
18 the applicant or licensee to pay court-ordered payments of child or family support,  
19 maintenance, birth expenses, medical expenses, or other expenses related to the  
20 support of a child or former spouse or for failure of the applicant or licensee to comply,  
21 after appropriate notice, with a subpoena or warrant issued by the department of  
22 ~~workforce development~~ or a county child support agency under s. 59.53 (5) and  
23 related to paternity or child support proceedings, as provided in a memorandum of  
24 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action



1 taken under this subsection is subject to review only as provided in the memorandum  
2 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

3 **SECTION 490.** 48.743 of the statutes is created to read:

4 **48.743 Community living arrangements for children.** (1) In this section,  
5 “community living arrangement for children” means a residential care center for  
6 children and youth or a group home.

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

10 (3) The department shall designate a subunit to keep records and supply  
11 information on community living arrangements for children under ss. 59.69 (15) (f),  
12 60.63 (7), and 62.23 (7) (i) 6. The subunit shall be responsible for receiving all  
13 complaints regarding community living arrangements for children and for  
14 coordinating all necessary investigatory and disciplinary actions under the laws of  
15 this state and under the rules of the department relating to the licensing of  
16 community living arrangements for children.

17 (4) A community living arrangement for children with a capacity for 8 or fewer  
18 persons shall be a permissible use for purposes of any deed covenant which limits use  
19 of property to single-family or 2-family residences. A community living  
20 arrangement for children with a capacity for 15 or fewer persons shall be a  
21 permissible use for purposes of any deed covenant which limits use of property to  
22 more than 2-family residences. Covenants in deeds which expressly prohibit use of  
23 property for community living arrangements for children are void as against public  
24 policy.

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

9 SECTION 491. 48.745 (5) of the statutes is amended to read:

10 48.745 (5) If the county department designates the department to receive  
 11 formal complaints, the subunit under s. ~~46.03 (22) (e)~~ 48.743 (3) shall receive the  
 12 complaints and the department shall have all the powers and duties granted to the  
 13 county department in this section.

14 SECTION 492. 48.78 (2) (h) of the statutes is amended to read:

15 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county  
 16 department, or a licensed child welfare agency from entering the content of any  
 17 record kept or information received by the department, county department, or  
 18 licensed child welfare agency into the statewide automated child welfare  
 19 information system established under s. ~~46.03~~ 48.47 (7g).

20 SECTION 493. 48.839 (1) (d) of the statutes is amended to read:

21 48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county  
 22 department or child welfare agency before the child is adopted, the department shall  
 23 periodically bill the guardian and the surety under s. ~~46.03 (18) (b) or 46.10~~ 49.32 (1)  
 24 (b) or 49.345 for the cost of care and maintenance of the child until the child is adopted  
 25 or becomes age 18, whichever is earlier. The guardian and surety shall also be liable

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1 under the bond for costs incurred by the department in enforcing the bond against  
2 the guardian and surety.

3 **SECTION 494.** 48.839 (1) (e) of the statutes is amended to read:

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

9 **SECTION 495.** 48.93 (1d) of the statutes is amended to read:

10 48.93 (1d) All records and papers pertaining to an adoption proceeding shall  
11 be kept in a separate locked file and may not be disclosed except under sub. (1g) or  
12 (1r), s. ~~46.03 (29)~~, 48.432, 48.433, 48.434, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order  
13 of the court for good cause shown.

14 **SECTION 496.** 48.98 (2) (d) of the statutes is amended to read:

15 48.98 (2) (d) The department shall periodically bill the person who filed the  
16 bond and the surety under s. ~~46.03 (18) (b) or 46.10 49.32 (1) (b) or 49.345~~ for the cost  
17 of care and maintenance of the child until the child is adopted or becomes age 18,  
18 whichever is earlier. The guardian and surety shall also be liable under the bond for  
19 costs incurred by the department in enforcing the bond.

20 **SECTION 497.** 48.981 (7) (dm) of the statutes is amended to read:

21 48.981 (7) (dm) Notwithstanding par. (a), an agency may enter the content of  
22 any report or record maintained by the agency into the statewide automated child  
23 welfare information system established under s. ~~46.03 48.47~~ (7g).

24 **SECTION 498.** 48.981 (8) (a) of the statutes is amended to read:

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

21           **SECTION 499.** 48.981 (8) (d) 1. of the statutes is amended to read:

22           48.981 (8) (d) 1. Each agency staff member and supervisor whose  
23 responsibilities include investigation or treatment of child abuse and neglect or of  
24 unborn child abuse shall successfully complete training in child abuse and neglect  
25 protective services and in unborn child abuse protective services approved by the

1 department. The training shall include information on means of recognizing and  
2 appropriately responding to domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a). The  
3 department shall monitor compliance with this subdivision according to rules  
4 promulgated by the department.

5 **SECTION 500.** 48.982 (2) (g) (intro.) of the statutes is amended to read:

6 48.982 (2) (g) (intro.) In coordination with the departments of health and family  
7 services and department and the department of public instruction:

8 **SECTION 501.** 48.985 (1) of the statutes is amended to read:

9 48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.  
10 ~~20.435 (3)~~ 20.437 (1) (n), the department shall expend not more than \$273,700 in each  
11 fiscal year of the moneys received under 42 USC 620 to 626 for the department's  
12 expenses in connection with administering the expenditure of funds received under  
13 42 USC 620 to 626 and for child abuse and neglect and unborn child abuse  
14 independent investigations.

15 **SECTION 502.** 48.985 (2) of the statutes is amended to read:

16 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the  
17 appropriation under s. ~~20.435 (7)~~ 20.437 (1) (o), the department shall distribute not  
18 more than \$3,809,600 in each fiscal year of the moneys received under 42 USC 620  
19 to 626 to county departments under ~~ss. 46.215, 46.22, and 46.23~~ for the provision or  
20 purchase of child welfare projects and services, for services to children and families,  
21 for services to the expectant mothers of unborn children, and for family-based child  
22 welfare services.

23 **SECTION 503.** 48.985 (4) of the statutes is amended to read:

24 48.985 (4) RUNAWAY SERVICES. From the appropriation under s. ~~20.435 (3)~~  
25 20.437 (1) (na) for runaway services, not more than \$458,600 in each fiscal year.

1 **SECTION 504.** 48.985 (5) of the statutes is repealed.

2 **SECTION 505.** 48.989 (1) (a) of the statutes is amended to read:

3 48.989 **(1)** (a) “Appropriate authority in the receiving state” means the  
4 department of ~~health and family services~~.

5 **SECTION 506.** 48.989 (1) (b) of the statutes is amended to read:

6 48.989 **(1)** (b) “Appropriate public authorities” means the department of ~~health  
7 and family services~~, which shall receive and act with reference to notices required  
8 by s. 48.988 (3).

9 **SECTION 507.** Chapter 49 (title) of the statutes is amended to read:

10 **CHAPTER 49**

11 **PUBLIC ASSISTANCE AND**

12 **CHILDREN AND FAMILY SERVICES**

13 **SECTION 508.** 49.001 (9) of the statutes is amended to read:

14 49.001 **(9)** “Wisconsin works Works agency” means a person under contract  
15 under s. 49.143 to administer Wisconsin works Works under ss. 49.141 to 49.161. If  
16 no contract is awarded under s. 49.143, “Wisconsin works Works agency” means the  
17 department of ~~workforce development~~ children and families.

18 **SECTION 509.** Subchapter III (title) of chapter 49 [precedes 49.11] of the  
19 statutes is amended to read:

20 **CHAPTER 49**

21 **SUBCHAPTER III**

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

24 **SECTION 510.** 49.11 (1) of the statutes is amended to read:

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

3           **SECTION 511.** 49.11 (2) of the statutes is amended to read:

4           49.11 (2) "Secretary" means the secretary of workforce development children  
5           and families.

6           **SECTION 512.** 49.138 (1m) (intro.) of the statutes is amended to read:

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

21          **SECTION 513.** 49.143 (2) (b) of the statutes is amended to read:

22          49.143 (2) (b) Establish a children's services network. The children's services  
23          network shall provide information about community resources available to the  
24          dependent children in a Wisconsin works group, including charitable food and  
25          clothing centers; subsidized and low-income housing; transportation subsidies; the

1 state supplemental food program for women, infants and children under s. ~~253.06~~  
2 49.17; and child care programs. In a county having a population of 500,000 or more,  
3 a children's services network shall, in addition, provide a forum for those persons  
4 who are interested in the delivery of child welfare services and other services to  
5 children and families in the geographical area under sub. (6) served by that  
6 children's services network to communicate with and make recommendations to the  
7 providers of those services in that geographical area with respect to the delivery of  
8 those services in that area.

9 **SECTION 514.** 49.147 (6) (c) of the statutes is amended to read:

10 49.147 (6) (c) *Distribution and administration.* From the appropriation under  
11 s. ~~20.445 (3)~~ 20.437 (2) (jL), the department shall distribute funds for job access loans  
12 to a Wisconsin Works agency, which shall administer the loans in accordance with  
13 rules promulgated by the department.

14 **SECTION 515.** 49.147 (6) (cm) 1. of the statutes is amended to read:

15 49.147 (6) (cm) 1. The department of ~~workforce~~ development may, in the  
16 manner provided in s. 49.85, collect job access loan repayments that are delinquent  
17 under the terms of a repayment agreement. The department of ~~workforce~~  
18 ~~development~~ shall credit all delinquent repayments collected by the department of  
19 revenue as a setoff under s. 71.93 to the appropriation account under s. ~~20.445 (3)~~  
20 20.437 (2) (jL). Use of the process under s. 49.85 does not preclude the department  
21 of ~~workforce~~ development from collecting delinquent repayments through other  
22 legal means.

23 **SECTION 516.** 49.155 (1g) (b) of the statutes is amended to read:

24 49.155 (1g) (b) From the appropriations under s. ~~20.445 (3)~~ 20.437 (2) (cm),  
25 (kx), and (mc), distribute \$5,488,500 in each fiscal year for grants under s. 49.134 (2)



1 for child day care resource and referral services, for grants under s. 49.137 (4m), for  
2 a child care scholarship and bonus program, for administration of the department's  
3 office of child care and for the department's share of the costs for the Child Care  
4 Information Center operated by the division for libraries, technology, and  
5 community learning in the department of public instruction.

6 **SECTION 517.** 49.155 (1g) (c) of the statutes is amended to read:

7 49.155 (1g) (c) From the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)  
8 (mc), transfer \$4,438,200 in fiscal year ~~2005-06~~ 2007-08 and \$4,440,500 in fiscal  
9 year ~~2006-07~~ 2008-09 to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1)  
10 (kx).

11 **SECTION 518.** 49.155 (1g) (d) of the statutes is amended to read:

12 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), 2005 stats.,  
13 distribute \$3,378,500 in fiscal year 2005-06 and \$3,378,500 in fiscal year 2006-07  
14 for grants under s. 49.134 (2) for child day care resource and referral services, for  
15 contracts under s. 49.137 (4) for training and technical assistance, for grants under  
16 s. 49.137 (4m), and for a child care scholarship and bonus program.

17 **SECTION 519.** 49.1635 (1) of the statutes is amended to read:

18 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),  
19 from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (md) the department may  
20 distribute funds to the Wisconsin Trust Account Foundation in an amount up to the  
21 amount received by the foundation from private donations, but not to exceed  
22 \$100,000 in a fiscal year. Except as provided in sub. (4), funds distributed under this  
23 subsection may be used only for the provision of legal services to individuals who are  
24 eligible for temporary assistance for needy families under 42 USC 601 et seq. and  
25 whose incomes are at or below 200% of the poverty line.

1           **SECTION 520.** 49.175 (1) (intro.) of the statutes is amended to read:

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

6           **SECTION 521.** 49.175 (1) (ze) (title) of the statutes is amended to read:

7           49.175 (1) (ze) (title) *Programs administered by the department of health and*  
8 *family services relating to children and families.*

9           **SECTION 522.** 49.175 (1) (ze) 10m. of the statutes is amended to read:

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

14          **SECTION 523.** 49.175 (1) (zh) of the statutes is amended to read:

15          49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of  
16 moneys from the appropriation account under s. 20.445-~~(3)~~ 20.437 (2) (md) to the  
17 appropriation account under s. 20.835 (2) (kf) for the earned income tax credit,  
18 \$55,232,000 in each fiscal year.

19          **SECTION 524.** 49.175 (2) (c) of the statutes is amended to read:

20          49.175 (2) (c) If the amounts of federal block grant moneys that are required  
21 to be credited to the appropriation accounts under s. 20.445-~~(3)~~ 20.437 (2) (mc) and  
22 (md) are less than the amounts appropriated under s. 20.445-~~(3)~~ 20.437 (2) (mc) and  
23 (md), the department shall submit a plan to the secretary of administration for  
24 reducing the amounts of moneys allocated under sub. (1). If the secretary of  
25 administration approves the plan, the amounts of moneys required to be allocated

1 under sub. (1) may be reduced as proposed by the department and the department  
2 shall allocate the moneys as specified in the plan.

3 **SECTION 525.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

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

14 **SECTION 526.** 49.19 (10) (a) of the statutes is amended to read:

15 49.19 (10) (a) Aid under this section may also be granted to a nonrelative who  
16 cares for a child dependent upon the public for proper support in a foster home or  
17 treatment foster home having a license under s. 48.62, in a foster home or treatment  
18 foster home located within the boundaries of a federally recognized American Indian  
19 reservation in this state and licensed by the tribal governing body of the reservation  
20 or in a group home licensed under s. 48.625, regardless of the cause or prospective  
21 period of dependency. The state shall reimburse counties pursuant to the procedure  
22 under s. ~~46.495~~ 48.569 (2) and the percentage rate of participation set forth in s.  
23 ~~46.495~~ 48.569 (1) (d) for aid granted under this subsection except that if the child does  
24 not have legal settlement in the granting county, state reimbursement shall be at  
25 100%. The county department under s. 46.215 or 46.22 shall determine the legal

1 settlement of the child. A child under one year of age shall be eligible for aid under  
2 this subsection irrespective of any other residence requirement for eligibility within  
3 this section.

4 **SECTION 527.** 49.19 (10) (d) of the statutes is amended to read:

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

15 **SECTION 528.** 49.19 (11) (a) 1. a. of the statutes is amended to read:

16 49.19 (11) (a) 1. a. Except as provided in subs. (11m) and (11s), monthly  
17 payments made under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md) to persons or to families  
18 with dependent children shall be based on family size and shall be at 80% of the total  
19 of the allowances under subds. 2. and 4. plus the following standards of assistance  
20 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

1           **SECTION 529.** 49.19 (11s) (d) of the statutes is amended to read:

2           49.19 (11s) (d) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (a), the  
3 department may award grants to county departments under ss. 46.215, 46.22 and  
4 46.23 for providing education services relating to family planning, as defined in s.  
5 253.07 (1) (a), to persons who are subject to par. (b).

6           **SECTION 530.** 49.195 (3r) of the statutes is amended to read:

7           49.195 (3r) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (L) the  
8 department may contract with or employ a collection agency or other person to  
9 enforce a repayment obligation of a person who is found liable under sub. (3) who is  
10 delinquent in making repayments.

11           **SECTION 531.** 49.197 (1m) of the statutes is amended to read:

12           49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. ~~20.445 (3)~~  
13 20.437 (2) (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program  
14 to investigate suspected fraudulent activity on the part of recipients of aid to families  
15 with dependent children under s. 49.19, on the part of participants in the Wisconsin  
16 Works program under ss. 49.141 to 49.161, and, if the department of health and  
17 family services contracts with the department under sub. (5), on the part of recipients  
18 of medical assistance under subch. IV, food stamp benefits under the food stamp  
19 program under 7 USC 2011 to 2036, supplemental security income payments under  
20 s. 49.77, payments for the support of children of supplemental security income  
21 recipients under s. 49.775, and health care benefits under the Badger Care health  
22 care program under s. 49.665. The department's activities under this subsection may

**SECTION 531**

1 include, but are not limited to, comparisons of information provided to the  
2 department by an applicant and information provided by the applicant to other  
3 federal, state, and local agencies, development of an advisory welfare investigation  
4 prosecution standard, and provision of funds to county departments under ss.  
5 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to  
6 detect fraud. The department shall cooperate with district attorneys regarding  
7 fraud prosecutions.

8 **SECTION 532.** 49.197 (4) of the statutes is amended to read:

9 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and  
10 family services contracts with the department under sub. (5), the department shall  
11 provide funds from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (kx) to counties  
12 and governing bodies of federally recognized American Indian tribes administering  
13 Medical Assistance under subch. IV, the food stamp program under 7 USC 2011 to  
14 2036, the supplemental security income payments program under s. 49.77, the  
15 program providing payments for the support of children of supplemental security  
16 income recipients under s. 49.775, and the Badger Care health care program under  
17 s. 49.665 to offset administrative costs of reducing payment errors in those programs.

18 **SECTION 533.** 49.22 (6) of the statutes is amended to read:

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

1 be retained by the county providing the service except for the fee specified in 42 USC  
2 653 (e) (2) for federal parent locator services.

3 **SECTION 534.** 49.22 (7) of the statutes is amended to read:

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

18 **SECTION 535.** 49.24 (1) of the statutes is amended to read:

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

22 **SECTION 536.** 49.26 (1) (d) of the statutes is amended to read:

23 49.26 (1) (d) A county department or Wisconsin works Works agency that  
24 provides services under this subsection directly shall develop a plan, in coordination  
25 with the school districts located in whole or in part in the county, describing the

1 assistance that the county department or Wisconsin ~~works~~ Works agency and school  
2 districts will provide to individuals receiving services under this subsection, the  
3 number of individuals that will be served and the estimated cost of the services. The  
4 county department or Wisconsin ~~works~~ Works agency shall submit the plan to the  
5 department of ~~workforce development~~ and the department of public instruction by  
6 January 15, annually.

7 **SECTION 537.** 49.27 of the statutes is created to read:

8 **49.27 Legal actions.** The department may sue and be sued.

9 **SECTION 538.** 49.273 of the statutes is created to read:

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

16 **SECTION 539.** 49.275 of the statutes is amended to read:

17 **49.275 Cooperation with federal government.** The department may  
18 cooperate with the federal government in carrying out federal acts concerning public  
19 assistance under this subchapter and child welfare under ch. 48 and in other matters  
20 of mutual concern under this subchapter pertaining to public welfare and under ch.  
21 48 pertaining to child welfare.

22 **SECTION 540.** 49.32 (1) (a) of the statutes is amended to read:

23 **49.32 (1) (a)** The Except as provided in s. 49.345 (14) (b) and (c), the department  
24 shall establish a uniform system of fees for services provided or purchased under this  
25 subchapter and ch. 48 by the department, or a county department under s. 46.215,



1 46.22, or 46.23, except as provided in s. 49.22 (6) and except where when, as  
2 determined by the department, a fee is administratively unfeasible or would  
3 significantly prevent accomplishing the purpose of the service. A county department  
4 under s. 46.215, 46.22 or 46.23 shall apply the fees which that it collects under this  
5 program to cover the cost of such those services.

6 **SECTION 541.** 49.32 (1) (am) of the statutes is created to read:

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

10 **SECTION 542.** 49.32 (1) (b) of the statutes is amended to read:

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

19 **SECTION 543.** 49.32 (1) (c) of the statutes is amended to read:

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