



1 SECTION 544. 49.32 (2) (d) of the statutes is created to read:

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

4 SECTION 545. 49.32 (9) (a) of the statutes is amended to read:

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

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16 SECTION 546. 49.32 (11) of the statutes is amended to read:

17 <sup>1030005</sup> ~~49.32 (11) COMMUNITY ACTION AGENCIES:~~ <sup>21</sup> The department shall distribute all of  
18 the funds under s. ~~20.445 (3)~~ 20.437 (2) <sup>(1)</sup> (cr) to community action agencies and  
19 organizations, including any of the 11 federally recognized tribal governing bodies  
20 in this state and limited-purpose agencies, in proportion to the share of funds  
21 actually allocated to these entities under 42 USC 1315 and from other federal and  
22 private foundation sources that provide funds for job creation and development for  
23 individuals with low incomes.

24 SECTION 547. 49.32 (11m) of the statutes is created to read:

renumbered 103.005 (21) and

1           **49.32 (11m)** CONSOLIDATION OF ALLOCATED TRIBAL FUNDS. The department may  
2 consolidate funds appropriated under s. 20.437 that are authorized or required to be  
3 allocated to federally recognized American Indian tribes or bands into a single  
4 distribution for each tribe or band in each fiscal year.

5           **SECTION 548.** 49.32 (12) of the statutes is amended to read:

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

9           **SECTION 549.** 49.325 (1) (a) of the statutes is amended to read:

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

13           **SECTION 550.** 49.325 (2) of the statutes is amended to read:

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

19           **SECTION 551.** 49.325 (2g) (a) of the statutes is amended to read:

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

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

10 **SECTION 552.** 49.325 (2g) (c) of the statutes is amended to read:

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

15 **SECTION 553.** 49.325 (2r) (a) 1. of the statutes is amended to read:

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

20 **SECTION 554.** 49.325 (2r) (a) 2. of the statutes is amended to read:

21 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or  
22 regulations, in which case the department may also arrange for provision of services  
23 under this subchapter or ch. 48 by an alternate agency. The department may not  
24 arrange for provision of services by an alternate agency unless the joint committee

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

3 **SECTION 555.** 49.325 (3) (a) of the statutes is amended to read:

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

25 **SECTION 556.** 49.34 (1) of the statutes is amended to read:

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

11           **SECTION 557.** 49.34 (2) of the statutes is amended to read:

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

18           **SECTION 558.** 49.34 (4) (a) of the statutes is amended to read:

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

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

5 **SECTION 559.** 49.34 (4) (c) of the statutes is amended to read:

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

12 **SECTION 560.** 49.34 (5m) (a) 1. of the statutes is amended to read:

13 49.34 (5m) (a) 1. “Provider” means a nonstock corporation organized under ch.  
14 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), and that contracts  
15 under this section to provide client services on the basis of a unit rate per client  
16 service or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 that  
17 contracts under this section to provide client services on the basis of a unit rate per  
18 client service.

19 **SECTION 561.** 49.34 (5m) (b) 1. of the statutes is amended to read:

20 49.34 (5m) (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a  
21 contract for the provision of a rate-based service exceeds allowable costs incurred in  
22 the contract period, the provider may retain from the surplus generated by that  
23 rate-based service up to 5% of the contract amount. A provider that retains a surplus  
24 under this subdivision shall use that retained surplus to cover a deficit between  
25 revenue and allowable costs incurred in any preceding or future contract period for

1 the same rate-based service that generated the surplus or to address the  
2 programmatic needs of clients served by the same rate-based service that generated  
3 the surplus.

4 **SECTION 562.** 49.34 (5m) (b) 2. of the statutes is amended to read:

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

17 **SECTION 563.** 49.34 (5m) (em) of the statutes is created to read:

18 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under  
19 s. 46.215, 51.42, or 51.437 providing client services in a county having a population  
20 of 500,000 or more or a nonstock, nonprofit corporation providing client services in  
21 such a county may not retain a surplus under par. (b) 1. or accumulate funds under  
22 par. (b) 2. from revenues that are used to meet the maintenance-of-effort  
23 requirement under the federal temporary assistance for needy families program  
24 under 42 USC 601 to 619.

25 **SECTION 564.** 49.345 of the statutes is created to read:

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

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



1 effort to notify the liable persons as soon as possible after the beginning of the  
2 maintenance, but the notice or the receipt thereof is not a condition of liability.

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

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

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

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

24 (5) If any person named in an order to compel payment issued under sub. (4)  
25 (a) fails to pay the department any amount due under the terms of the order, and no

1 contested case to review the order is pending, and the time for filing for a contested  
2 case review has expired, the department may present a certified copy of the order to  
3 the circuit court for any county. The circuit court shall, without notice, render  
4 judgment in accordance with the order. A judgment rendered under this subsection  
5 shall have the same effect and shall be entered in the judgment and lien docket and  
6 may be enforced in the same manner as if the judgment had been rendered in an  
7 action tried and determined by the circuit court.

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

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

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

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

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

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

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

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

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

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

23 (9) Any person who willfully testifies falsely as to any material matter in an  
24 investigation or proceeding under this section shall be guilty of perjury. Banks,  
25 employers, insurers, savings banks, savings and loan associations, brokers, and

1 fiduciaries, upon request of the department, shall furnish in writing and duly  
2 certified, full information regarding the property, earnings, or income or any funds  
3 deposited to the credit of or owing to any person liable under sub. (2). That certified  
4 statement shall be admissible in evidence in any action or proceeding to compel  
5 payment under this section, and shall be evidence of the facts stated in the certified  
6 statement, if a copy of the statement is served upon the party sought to be charged  
7 not less than 3 days before the hearing.

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

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

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

17 (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in  
18 sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in  
19 residential, nonmedical facilities such as group homes, foster homes, treatment  
20 foster homes, subsidized guardianship homes, and residential care centers for  
21 children and youth is determined in accordance with the cost-based fee established  
22 under s. 49.32 (1). The department shall bill the liable person up to any amount of  
23 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party  
24 benefits, subject to rules that include formulas governing ability to pay established  
25 by the department under s. 49.32 (1). Any liability of the person not payable by any

1 other person terminates when the person reaches age 18, unless the liable person has  
2 prevented payment by any act or omission.

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

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

15 1. The needs of the child.

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

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

21 4. The financial resources of the parents.

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

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

1           7. The age of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

18           **(16)** The department shall delegate to county departments under ss. 46.22 and  
19 46.23 or the local providers of care and services meeting the standards established  
20 by the department under s. 49.34 the responsibilities vested in the department under  
21 this section for collection of fees for services other than those provided at state  
22 facilities, if the county departments or providers meet the conditions that the  
23 department determines are appropriate. The department may delegate to county  
24 departments under ss. 46.22 and 46.23 the responsibilities vested in the department



1 under this section for collection of fees for services provided at the state facilities if  
2 the necessary conditions are met.

3 **SECTION 565.** 49.35 (1) (a) of the statutes is amended to read:

4 49.35 (1) (a) The department shall supervise the administration of programs  
5 under this subchapter and ch. 48. The department shall submit to the federal  
6 authorities state plans for the administration of programs under this subchapter and  
7 ch. 48 in such form and containing such information as the federal authorities  
8 require, and shall comply with all requirements prescribed to ensure their  
9 correctness.

10 **SECTION 566.** 49.35 (1) (b) of the statutes is amended to read:

11 49.35 (1) (b) All records of the department and all county records relating to  
12 programs under this subchapter and ch. 48 and aid under s. 49.18, 1971 stats., s.  
13 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,  
14 shall be open to inspection at all reasonable hours by authorized representatives of  
15 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county  
16 records relating to the administration of the services and public assistance specified  
17 in this paragraph shall be open to inspection at all reasonable hours by authorized  
18 representatives of the department.

19 **SECTION 567.** 49.35 (2) of the statutes is amended to read:

20 49.35 (2) The county administration of all laws relating to programs under this  
21 subchapter and ch. 48 shall be vested in the officers and agencies designated in the  
22 statutes.

23 **SECTION 568.** 49.36 (2) of the statutes is amended to read:

24 49.36 (2) The department may contract with any county, tribal governing body,  
25 or Wisconsin Works agency to administer a work experience and job training

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

8 **SECTION 569.** 49.45 (6m) (br) 1. of the statutes is amended to read:

9 49.45 (**6m**) (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 (4) (bt) or (7) (b)  
10 or ~~20.445 (3)~~ 20.437 (2) (dz), the department shall reduce allocations of funds to  
11 counties in the amount of the disallowance from the appropriation account under s.  
12 20.435 (4) (bt) or (7) (b), or the department shall direct the department of ~~workforce~~  
13 development children and families to reduce allocations of funds to counties or  
14 Wisconsin ~~works~~ Works agencies in the amount of the disallowance from the  
15 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (dz) or direct the department of  
16 corrections to reduce allocations of funds to counties in the amount of the  
17 disallowance from the appropriation account under s. 20.410 (3) (cd), in accordance  
18 with s. 16.544 to the extent applicable.

19 **SECTION 570.** 49.45 (40) of the statutes is amended to read:

20 49.45 (**40**) PERIODIC RECORD MATCHES. If the department contracts with the  
21 department of ~~workforce development~~ children and families under s. 49.197 (5), the  
22 department shall cooperate with the department of ~~workforce development~~ children  
23 and families in matching records of medical assistance recipients under s. 49.32 (7).

24 **SECTION 571.** 49.48 (1m) of the statutes is amended to read:

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

8           **SECTION 572.** 49.48 (2) of the statutes is amended to read:

9           49.48 (2) The department of ~~health and family services~~ may not disclose any  
10 information received under sub. (1) to any person except to the department of  
11 ~~workforce development~~ children and families for the purpose of making  
12 certifications required under s. 49.857.

13           **SECTION 573.** 49.48 (3) of the statutes is amended to read:

14           49.48 (3) The department of ~~health and family services~~ shall deny an  
15 application for the issuance or renewal of a certification specified in sub. (1), shall  
16 suspend a certification specified in sub. (1) or may, under a memorandum of  
17 understanding under s. 49.857 (2), restrict a certification specified in sub. (1) if the  
18 department of ~~workforce development~~ children and families certifies under s. 49.857  
19 that the applicant for or holder of the certificate is delinquent in the payment of  
20 court-ordered payments of child or family support, maintenance, birth expenses,  
21 medical expenses or other expenses related to the support of a child or former spouse  
22 or fails to comply, after appropriate notice, with a subpoena or warrant issued by the  
23 department of ~~workforce development~~ children and families or a county child  
24 support agency under s. 59.53 (5) and related to paternity or child support  
25 proceedings.

1           **SECTION 574.** 49.775 (2) (bm) of the statutes is amended to read:

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

11          **SECTION 575.** 49.78 (4) of the statutes is amended to read:

12          49.78 (4) RULES; MERIT SYSTEM. The department of ~~workforce development~~  
13          children and families shall promulgate rules for the efficient administration of aid  
14          to families with dependent children in agreement with the requirement for federal  
15          aid, including the establishment and maintenance of personnel standards on a merit  
16          basis. The provisions of this section relating to personnel standards on a merit basis  
17          supersede any inconsistent provisions of any law relating to county personnel. This  
18          subsection shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

19          **SECTION 576.** 49.78 (5) of the statutes is amended to read:

20          49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain  
21          qualifications of applicants in any county department administering aid to families  
22          with dependent children shall be given by the administrator of the division of merit  
23          recruitment and selection in the office of state employment relations. The office of  
24          state employment relations shall be reimbursed for actual expenditures incurred in  
25          the performance of its functions under this section from the appropriations available

1 to the department of health and family services children and families for  
2 administrative expenditures.

3 **SECTION 577.** 49.78 (7) of the statutes is amended to read:

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

10 **SECTION 578.** 49.79 (10) of the statutes is amended to read:

11 49.79 (10) CONTRACT FOR EMPLOYMENT AND TRAINING PROGRAM. The department  
12 shall contract with the department of ~~workforce development~~ children and families  
13 to administer the employment and training program under s. 49.13.

14 **SECTION 579.** 49.81 (intro.) of the statutes is amended to read:

15 **49.81 Public assistance recipients' bill of rights.** (intro.) The department  
16 of health and family services, the department of ~~workforce development~~ children and  
17 families, and all public assistance and relief-granting agencies shall respect rights  
18 for recipients of public assistance. The rights shall include all rights guaranteed by  
19 the U.S. constitution and the constitution of this state, and in addition shall include:

20 **SECTION 580.** 49.82 (1) of the statutes is amended to read:

21 49.82 (1) DEPARTMENTS TO ADVISE COUNTIES. The department of health and  
22 family services and the department of ~~workforce development~~ children and families  
23 shall advise all county officers charged with the administration of requirements  
24 relating to public assistance programs under this chapter and shall render all  
25 possible assistance in securing compliance therewith, including the preparation of

1 necessary forms and reports. The department of health and family services and the  
2 department of ~~workforce development~~ children and families shall also publish any  
3 information that those departments consider advisable to acquaint persons entitled  
4 to public assistance, and the public generally, with the laws governing public  
5 assistance under this chapter.

6 **SECTION 581.** 49.83 of the statutes is amended to read:

7 **49.83 Limitation on giving information.** Except as provided under s. 49.32  
8 (9), (10), and (10m), no person may use or disclose information concerning applicants  
9 and recipients of relief funded by a relief block grant, aid to families with dependent  
10 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and  
11 spousal support and establishment of paternity and medical support liability  
12 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not  
13 connected with the administration of the programs, except that the department of  
14 ~~workforce development~~ children and families may disclose such information to the  
15 department of revenue for the sole purpose of administering state taxes. Any person  
16 violating this section may be fined not less than \$25 nor more than \$500 or  
17 imprisoned in the county jail not less than 10 days nor more than one year or both.

18 **SECTION 582.** 49.845 (1) of the statutes is amended to read:

19 **49.845 (1) FRAUD INVESTIGATION.** From the appropriations under s. 20.435 (4)  
20 (bn), (kz), (L), and (nn), the department of health and family services shall establish  
21 a program to investigate suspected fraudulent activity on the part of recipients of  
22 medical assistance under subch. IV, food stamp benefits under the food stamp  
23 program under 7 USC 2011 to 2036, supplemental security income payments under  
24 s. 49.77, payments for the support of children of supplemental security income  
25 recipients under s. 49.775, and health care benefits under the Badger Care health

1 care program under s. 49.665 and, if the department of ~~workforce development~~  
2 children and families contracts with the department of health and family services  
3 under sub. (4), on the part of recipients of aid to families with dependent children  
4 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to  
5 49.161. The activities of the department of health and family services under this  
6 subsection may include comparisons of information provided to the department by  
7 an applicant and information provided by the applicant to other federal, state, and  
8 local agencies, development of an advisory welfare investigation prosecution  
9 standard, and provision of funds to county departments under ss. 46.215, 46.22, and  
10 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The  
11 department of health and family services shall cooperate with district attorneys  
12 regarding fraud prosecutions.

13 **SECTION 583.** 49.845 (2) of the statutes is amended to read:

14 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and  
15 family services shall conduct activities to reduce payment errors in the Medical  
16 Assistance program under subch. IV, the food stamp program under 7 USC 2011 to  
17 2036, the supplemental security income payments program under s. 49.77, the  
18 program providing payments for the support of children of supplemental security  
19 income recipients under s. 49.775, and the Badger Care health care program under  
20 s. 49.665 and, if the department of ~~workforce development~~ children and families  
21 contracts with the department of health and family services under sub. (4), in  
22 Wisconsin Works under ss. 49.141 to 49.161.

23 **SECTION 584.** 49.845 (3) of the statutes is amended to read:

24 49.845 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of  
25 ~~workforce development~~ children and families contracts with the department of

1 health and family services under sub. (4), the department of health and family  
2 services shall provide funds from the appropriation under s. 20.435 (4) (kz) to  
3 Wisconsin Works agencies to offset the administrative costs of reducing payment  
4 errors in Wisconsin Works under ss. 49.141 to 49.161.

5 **SECTION 585.** 49.845 (4) of the statutes is amended to read:

6 49.845 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m)  
7 and (3), the department of ~~workforce development~~ children and families may  
8 contract with the department of health and family services to investigate suspected  
9 fraudulent activity on the part of recipients of aid to families with dependent  
10 children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to  
11 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under  
12 ss. 49.141 to 49.161, as provided in this section.

13 **SECTION 586.** 49.85 (1) of the statutes is amended to read:

14 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under  
15 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American  
16 Indian tribe or band determines that the department of health and family services  
17 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department  
18 of ~~workforce development~~ children and families may recover an amount under s.  
19 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county  
20 department or governing body shall notify the affected department of the  
21 determination. If a Wisconsin Works agency determines that the department of  
22 ~~workforce development~~ children and families may recover an amount under s. 49.161  
23 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works  
24 agency shall notify the department of ~~workforce development~~ children and families  
25 of the determination.



1           **SECTION 587.** 49.85 (2) (b) of the statutes is amended to read:

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

12           **SECTION 588.** 49.85 (3) (b) (intro.) of the statutes is amended to read:

13           49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the  
14 department of ~~workforce development~~ children and families shall send a notice to the  
15 last-known address of the person from whom that department intends to recover or  
16 collect the amount. The notice shall do all of the following:

17           **SECTION 589.** 49.85 (3) (b) 1. of the statutes is amended to read:

18           49.85 (3) (b) 1. Inform the person that the department of ~~workforce~~  
19 ~~development~~ children and families intends to certify to the department of revenue  
20 an amount that the department of ~~workforce development~~ children and families has  
21 determined to be due under s. 49.161 or 49.195 (3) or to be delinquent under a  
22 repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax  
23 refund that may be due the person.

24           **SECTION 590.** 49.85 (3) (b) 2. of the statutes is amended to read:

1           49.85 (3) (b) 2. Inform the person that he or she may appeal the determination  
2 of the department of ~~workforce development~~ children and families to certify the  
3 amount by requesting a hearing under sub. (4) within 30 days after the date of the  
4 letter and inform the person of the manner in which he or she may request a hearing.

5           **SECTION 591.** 49.85 (3) (b) 3. of the statutes is amended to read:

6           49.85 (3) (b) 3. Inform the person that, if the determination of the department  
7 of ~~workforce development~~ children and families is appealed, that department will  
8 not certify the amount to the department of revenue while the determination of the  
9 department of ~~workforce development~~ children and families is under appeal.

10          **SECTION 592.** 49.85 (3) (b) 4. of the statutes is amended to read:

11          49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is  
12 requested to appeal the determination of the department of ~~workforce development~~  
13 children and families, the person may be precluded from challenging any subsequent  
14 setoff of the certified amount by the department of revenue, except on the grounds  
15 that the certified amount has been partially or fully paid or otherwise discharged,  
16 since the date of the notice.

17          **SECTION 593.** 49.85 (3) (b) 5. of the statutes is amended to read:

18          49.85 (3) (b) 5. Request that the person inform the department of ~~workforce~~  
19 ~~development~~ children and families if a bankruptcy stay is in effect with respect to the  
20 person or if the claim has been discharged in bankruptcy.

21          **SECTION 594.** 49.85 (4) (b) of the statutes is amended to read:

22          49.85 (4) (b) If a person has requested a hearing under this subsection, the  
23 department of ~~workforce development~~ children and families shall hold a contested  
24 case hearing under s. 227.44, except that the department of ~~workforce development~~  
25 children and families may limit the scope of the hearing to exclude issues that were

1 presented at a prior hearing or that could have been presented at a prior opportunity  
2 for hearing.

3 **SECTION 595.** 49.85 (5) of the statutes is amended to read:

4 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department  
5 of revenue shall constitute a lien, equal to the amount certified, on any state tax  
6 refunds or credits owed to the obligor. The lien shall be foreclosed by the department  
7 of revenue as a setoff under s. 71.93. Certification of an amount under this section  
8 does not prohibit the department of health and family services or the department of  
9 ~~workforce development~~ children and families from attempting to recover or collect  
10 the amount through other legal means. The department of health and family  
11 services or the department of ~~workforce development~~ children and families shall  
12 promptly notify the department of revenue upon recovery or collection of any amount  
13 previously certified under this section.

14 **SECTION 596.** 49.852 (1) of the statutes is renumbered 49.852 (1m) and  
15 amended to read:

16 49.852 (1m) The department of ~~workforce development~~ may direct the  
17 department of employee trust funds, the retirement system of any 1st class city, any  
18 retirement system established under chapter 201, laws of 1937, or the administrator  
19 of any other pension plan to withhold the amount specified in the statewide support  
20 lien docket under s. 49.854 (2) (b) from any lump sum payment from a pension plan  
21 that may be paid a delinquent support obligor, except that the department of  
22 ~~workforce development~~ may not direct that an amount be withheld under this  
23 subsection unless it has met the notice requirements under sub. (2) and unless the  
24 amount specified has either not been appealed or is no longer under appeal under s.  
25 49.854.

1           **SECTION 597.** 49.852 (1c) of the statutes is created to read:

2           49.852 (1c) In this section, "department" means the department of children  
3 and families.

4           **SECTION 598.** 49.852 (2) (intro.) of the statutes is amended to read:

5           49.852 (2) (intro.) The department of ~~workforce development~~ shall send a  
6 notice to the last-known address of the person from whom the department intends  
7 to recover the amount specified in the statewide support lien docket under s. 49.854  
8 (2) (b). The notice shall do all of the following:

9           **SECTION 599.** 49.852 (2) (c) of the statutes is amended to read:

10          49.852 (2) (c) Request that the person inform the department of ~~workforce~~  
11 ~~development~~ or the appropriate county child support agency under s. 59.53 (5) if a  
12 bankruptcy stay is in effect with respect to the person.

13          **SECTION 600.** 49.852 (3) of the statutes is amended to read:

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

1 the department of ~~workforce development~~ may not direct the department of  
2 employee trust funds, the retirement system of any 1st class city, any retirement  
3 system established under chapter 201, laws of 1937, or the administrator of any  
4 other pension plan, whichever is appropriate, to withhold the amount from any lump  
5 sum payment from a pension plan that may be paid the person.

6 **SECTION 601.** 49.852 (4) (a) of the statutes is amended to read:

7 49.852 (4) (a) If the department of ~~workforce development~~ directs the  
8 department of employee trust funds, the retirement system of any 1st class city, any  
9 retirement system established under chapter 201, laws of 1937, or the administrator  
10 of any other pension plan to withhold the amount specified in the statewide support  
11 lien docket under s. 49.854 (2) (b), this directive shall constitute a lien, equal to the  
12 amount specified in the statewide support lien docket, on any lump sum payment  
13 from a pension plan that may be paid the person.

14 **SECTION 602.** 49.852 (4) (b) of the statutes is amended to read:

15 49.852 (4) (b) If the department of ~~workforce development~~ directs the  
16 department of employee trust funds, the retirement system of any 1st class city, any  
17 retirement system established under chapter 201, laws of 1937, or the administrator  
18 of any other pension plan to withhold the amount specified in the statewide support  
19 lien docket under s. 49.854 (2) (b), the department of employee trust funds, the  
20 retirement system of any 1st class city, any retirement system established under  
21 chapter 201, laws of 1937, or the administrator of any other pension plan shall deduct  
22 from any lump sum payment that may be paid the person the amount specified in  
23 the statewide support lien docket, less any amount specified under par. (d). If the  
24 amount specified in the statewide support lien docket under s. 49.854 (2) (b), less any  
25 amount specified under par. (d), exceeds the lump sum payment, the department of

1 employee trust funds, the retirement system of any 1st class city, any retirement  
2 system established under chapter 201, laws of 1937, or the administrator of any  
3 other pension plan shall deduct the entire lump sum payment, less any withholdings  
4 otherwise required by law. The amount deducted under this paragraph shall be  
5 remitted to the department of ~~workforce development~~.

6 **SECTION 603.** 49.852 (4) (c) of the statutes is amended to read:

7 49.852 (4) (c) A directive to the department of employee trust funds, the  
8 retirement system of any 1st class city, any retirement system established under  
9 chapter 201, laws of 1937, or the administrator of any other pension plan to withhold  
10 the amount specified in the statewide support lien docket under s. 49.854 (2) (b)  
11 under this section does not prohibit the department of ~~workforce development~~ from  
12 attempting to recover the amount through other legal means.

13 **SECTION 604.** 49.852 (4) (d) of the statutes is amended to read:

14 49.852 (4) (d) The department of ~~workforce development~~ shall promptly notify  
15 the department of employee trust funds, the retirement system of any 1st class city,  
16 any retirement system established under chapter 201, laws of 1937, or the  
17 administrator of any other pension plan upon recovery of any amount previously  
18 specified in the statewide support lien docket under s. 49.854 (2) (b).

19 **SECTION 605.** 49.853 (1) (b) of the statutes is amended to read:

20 49.853 (1) (b) "Department" means the department of ~~workforce development~~  
21 children and families.

22 **SECTION 606.** 49.854 (1) (a) of the statutes is amended to read:

23 49.854 (1) (a) "Department" means the department of ~~workforce development~~  
24 children and families.

25 **SECTION 607.** 49.854 (11) (b) of the statutes is amended to read:

1           49.854 (11) (b) *The department.* The department may assess a collection fee  
2 to recover the department's costs incurred in levying against property under this  
3 section. The department shall determine its costs to be paid in all cases of levy. The  
4 obligor is liable to the department for the amount of the collection fee authorized  
5 under this paragraph. Fees collected under this paragraph shall be credited to the  
6 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja).

7           **SECTION 608.** 49.855 (1) of the statutes is amended to read:

8           49.855 (1) If a person obligated to pay child support, family support,  
9 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is  
10 delinquent in making any of those payments, or owes an outstanding amount that  
11 has been ordered by the court for past support, medical expenses, or birth expenses,  
12 upon application under s. 59.53 (5) the department of ~~workforce development~~  
13 children and families shall certify the delinquent payment or outstanding amount  
14 to the department of revenue and, at least annually, shall provide to the department  
15 of revenue any certifications of delinquencies or outstanding amounts that it receives  
16 from another state because the obligor resides in this state.

17           **SECTION 609.** 49.855 (2r) of the statutes is created to read:

18           49.855 (2r) At least annually, the department of children and families shall  
19 certify to the department of revenue any obligation owed to that department under  
20 s. 49.345 if the obligation is rendered to a judgment.

21           **SECTION 610.** 49.855 (3) of the statutes is amended to read:

22           49.855 (3) Receipt of a certification by the department of revenue shall  
23 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
24 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
25 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines

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

22 **SECTION 611.** 49.855 (4) (a) of the statutes is amended to read:

23 49.855 (4) (a) The department of revenue shall send the portion of any state tax  
24 refunds or credits withheld for delinquent child or family support or maintenance or  
25 past support, medical expenses, or birth expenses to the department of ~~workforce~~



**SECTION 611**

1 ~~development~~ children and families or its designee for deposit in the support  
2 collections trust fund under s. 25.68 and shall send the portion of any state tax  
3 refunds or credits withheld for delinquent receiving and disbursing fees to the  
4 department of ~~workforce development~~ children and families or its designee for  
5 deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja). The  
6 department of ~~workforce development~~ children and families shall make a settlement  
7 at least annually with the department of revenue. The settlement shall state the  
8 amounts certified, the amounts deducted from tax refunds and credits, and the  
9 administrative costs incurred by the department of revenue.

10 **SECTION 612.** 49.855 (4) (b) of the statutes is amended to read:

11 49.855 (4) (b) The department of administration shall send the portion of any  
12 federal tax refunds or credits received from the internal revenue service that was  
13 withheld for delinquent child or family support or maintenance or past support,  
14 medical expenses, or birth expenses to the department of ~~workforce development~~  
15 children and families or its designee for deposit in the support collections trust fund  
16 under s. 25.68 and shall send the portion of any federal tax refunds or credits received  
17 from the internal revenue service that was withheld for delinquent receiving and  
18 disbursing fees to the department of ~~workforce development~~ children and families  
19 or its designee for deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)  
20 (ja).

21 **SECTION 613.** 49.855 (4m) (b) of the statutes is amended to read:

22 49.855 (4m) (b) The department of revenue may provide a certification that it  
23 receives under sub. (1), (2m), ~~or (2p)~~, or (2r) to the department of administration.  
24 Upon receipt of the certification, the department of administration shall determine  
25 whether the obligor is a vendor or is receiving any other payments from this state,

1       except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
2       45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration  
3       determines that the obligor is a vendor or is receiving payments from this state,  
4       except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
5       45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount  
6       certified from those payments and shall notify the obligor that the state intends to  
7       reduce any payments due the obligor by the amount the obligor is delinquent under  
8       the support, maintenance, or receiving and disbursing fee order or obligation, by the  
9       outstanding amount for past support, medical expenses, or birth expenses under the  
10      court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The  
11      notice shall provide that within 20 days after receipt of the notice the obligor may  
12      request a hearing before the circuit court rendering the order under which the  
13      obligation arose. An obligor may, within 20 days after receiving notice, request a  
14      hearing under this paragraph. Within 10 days after receiving a request for hearing  
15      under this paragraph, the court shall set the matter for hearing. A circuit court  
16      commissioner may conduct the hearing. Pending further order by the court or circuit  
17      court commissioner, the department of ~~workforce development~~ children and families  
18      or its designee, whichever is appropriate, may not disburse the payments withheld  
19      from the obligor. The sole issues at the hearing are whether the obligor owes the  
20      amount certified and, if not and it is a support or maintenance order, whether the  
21      money withheld shall be paid to the obligor or held for future support or  
22      maintenance, except that the obligor's ability to pay is also an issue at the hearing  
23      if the obligation relates to an order under s. ~~767.51 (3) (e) 1. or 767.62 (4) (d) 1. s.~~  
24      ~~767.89 (3) (e) 1. or~~ 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that

1 the court found that the obligor's income was at or below the poverty line established  
2 under 42 USC 9902 (2).

3 **SECTION 614.** 49.855 (4m) (c) of the statutes is amended to read:

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

14 **SECTION 615.** 49.855 (5) of the statutes is amended to read:

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

20 **SECTION 616.** 49.856 (1) (b) of the statutes is amended to read:

21 49.856 (1) (b) "Department" means the department of ~~workforce development~~  
22 children and families.

23 **SECTION 617.** 49.857 (1) (cf) of the statutes is created to read:

24 49.857 (1) (cf) "Department" means the department of children and families.

25 **SECTION 618.** 49.857 (1) (f) of the statutes is amended to read:

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

4           **SECTION 619.** 49.857 (2) (a) of the statutes is amended to read:

5           49.857 (2) (a) The department of ~~workforce development~~ shall establish a  
6 system, in accordance with federal law, under which a licensing authority is  
7 requested, and a licensing agency or credentialing board is required, to restrict,  
8 limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or  
9 revalidate a license in a timely manner upon certification by and in cooperation with  
10 the department of ~~workforce development~~, if the individual holding or applying for  
11 the license is delinquent in making court-ordered payments of support or fails to  
12 comply, after appropriate notice, with a subpoena or warrant.

13           **SECTION 620.** 49.857 (2) (b) (intro.) of the statutes is amended to read:

14           49.857 (2) (b) (intro.) Under the system, the department of ~~workforce~~  
15 ~~development~~ shall enter into a memorandum of understanding with a licensing  
16 authority, if the licensing authority agrees, and with a licensing agency. A  
17 memorandum of understanding under this paragraph shall address at least all of the  
18 following:

19           **SECTION 621.** 49.857 (2) (b) 2. (intro.) of the statutes is amended to read:

20           49.857 (2) (b) 2. (intro.) Procedures that the department of ~~workforce~~  
21 ~~development~~ shall use for doing all of the following:

22           **SECTION 622.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

23           49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a  
24 delinquency in support or a failure to comply with a subpoena or warrant. The  
25 memorandum of understanding with the department of regulation and licensing

1 shall include procedures for the department of regulation and licensing to notify a  
2 credentialing board that a certification of delinquency in support or failure to comply  
3 with a subpoena or warrant has been made by the department of ~~workforce~~  
4 ~~development~~ children and families with respect to an individual who holds or applied  
5 for a credential granted by the credentialing board.

6 **SECTION 623.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

7 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of  
8 ~~workforce development~~ children and families notifies the licensing authority or  
9 licensing agency that an individual who was delinquent in making court-ordered  
10 payments of support has paid the delinquent support or made satisfactory  
11 alternative payment arrangements or that an individual who failed to comply with  
12 a subpoena or warrant has satisfied the requirements under the subpoena or  
13 warrant. The memorandum of understanding with the department of regulation  
14 and licensing shall include procedures for the department of regulation and licensing  
15 to direct a credentialing board to grant or reinstate a credential if the department  
16 of ~~workforce development~~ children and families notifies the department of  
17 regulation and licensing that an individual who holds or applied for a credential  
18 granted by the credentialing board has paid the delinquent support or made  
19 satisfactory alternative payment arrangements or that an individual who failed to  
20 comply with a subpoena or warrant has satisfied the requirements under the  
21 subpoena or warrant.

22 **SECTION 624.** 49.857 (2) (b) 5. of the statutes is amended to read:

23 49.857 (2) (b) 5. Procedures for safeguarding the confidentiality of information  
24 about an individual, including social security numbers obtained by the department

1 of ~~workforce development~~, the licensing authority, the licensing agency, or a  
2 credentialing board.

3 **SECTION 625.** 49.857 (3) (a) (intro.) of the statutes is amended to read:

4 49.857 (3) (a) (intro.) Before the department of ~~workforce development~~ certifies  
5 to a licensing authority or a licensing agency under the system established under  
6 sub. (2) that an individual is delinquent in making court-ordered payments of  
7 support, the department of ~~workforce development~~ or a child support agency shall  
8 provide notice to the individual by regular mail. The notice shall inform the  
9 individual of all of the following:

10 **SECTION 626.** 49.857 (3) (a) 4. of the statutes is amended to read:

11 49.857 (3) (a) 4. That the certification will not be made if the individual pays  
12 the delinquent amount in full or makes satisfactory alternative payment  
13 arrangements with the department of ~~workforce development~~ or a child support  
14 agency. The notice shall inform the individual of how he or she may pay the  
15 delinquent amount or make satisfactory alternative payment arrangements.

16 **SECTION 627.** 49.857 (3) (ac) 1. of the statutes is amended to read:

17 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,  
18 the court shall schedule a hearing within 10 business days after receiving the  
19 request. A circuit court commissioner may conduct the hearing. The only issues at  
20 the hearing shall be whether the individual is delinquent in making court-ordered  
21 payments of support and whether any alternative payment arrangement offered by  
22 the department of ~~workforce development~~ or the county child support agency is  
23 reasonable.

24 **SECTION 628.** 49.857 (3) (ac) 2. of the statutes is amended to read:

1           49.857 (3) (ac) 2. If at a hearing under subd. 1. the court or circuit court  
2 commissioner finds that the individual does not owe delinquent support, or if within  
3 20 business days after receiving a notice under par. (a) the individual pays the  
4 delinquent amount in full or makes satisfactory alternative payment arrangements,  
5 the department of ~~workforce development~~ may not place the individual's name on a  
6 certification list.

7           **SECTION 629.** 49.857 (3) (ac) 3. of the statutes is amended to read:

8           49.857 (3) (ac) 3. If at a hearing under subd. 1. the court or circuit court  
9 commissioner makes a written determination that alternative payment  
10 arrangements proposed by the department of ~~workforce development~~ or a child  
11 support agency are not reasonable, the court or circuit court commissioner may order  
12 for the individual an alternative payment arrangement. If the court or circuit court  
13 commissioner orders an alternative payment arrangement, the department of  
14 ~~workforce development~~ may not place the individual's name on a certification list.

15           **SECTION 630.** 49.857 (3) (am) (intro.) of the statutes is amended to read:

16           49.857 (3) (am) (intro.) If an individual, after receiving notice under par. (a),  
17 does not timely request a hearing or pay the delinquent amount of support or make  
18 satisfactory alternative payment arrangements, the department of ~~workforce~~  
19 ~~development~~ shall place the individual's name on a certification list. Thereafter, the  
20 department of ~~workforce development~~ or a child support agency shall provide a 2nd  
21 notice to the individual by regular mail that informs the individual of all of the  
22 following:

23           **SECTION 631.** 49.857 (3) (am) 4. of the statutes is amended to read:

24           49.857 (3) (am) 4. That the certification will not be made if the individual pays  
25 the delinquent amount in full or makes satisfactory alternative payment

1 arrangements with the department of ~~workforce development~~ or a child support  
2 agency. The notice shall inform the individual of how he or she may pay the  
3 delinquent amount or make satisfactory alternative payment arrangements.

4 **SECTION 632.** 49.857 (3) (ar) 1. of the statutes is amended to read:

5 49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,  
6 the court shall schedule a hearing within 10 business days after receiving the  
7 request. A circuit court commissioner may conduct the hearing. The only issues at  
8 the hearing shall be whether the individual is delinquent in making court-ordered  
9 payments of support and whether any alternative payment arrangement offered by  
10 the department of ~~workforce development~~ or the county child support agency is  
11 reasonable.

12 **SECTION 633.** 49.857 (3) (ar) 2. of the statutes is amended to read:

13 49.857 (3) (ar) 2. If at a hearing under subd. 1. the court or circuit court  
14 commissioner finds that the individual does not owe delinquent support, or if within  
15 20 business days after receiving a notice under par. (am) the individual pays the  
16 delinquent amount in full or makes satisfactory alternative payment arrangements,  
17 the department of ~~workforce development~~ shall remove the individual's name from  
18 the certification list.

19 **SECTION 634.** 49.857 (3) (ar) 3. of the statutes is amended to read:

20 49.857 (3) (ar) 3. If at a hearing under subd. 1. the court or circuit court  
21 commissioner makes a written determination that alternative payment  
22 arrangements proposed by the department of ~~workforce development~~ or a child  
23 support agency are not reasonable, the court or circuit court commissioner may order  
24 for the individual an alternative payment arrangement. If the court or circuit court



1 commissioner orders an alternative payment arrangement, the department of  
2 ~~workforce development~~ may not place the individual's name on a certification list.

3 **SECTION 635.** 49.857 (3) (b) (intro.) of the statutes is amended to read:

4 49.857 (3) (b) (intro.) Any subpoena or warrant shall include notice to the  
5 individual of the effect that a failure to comply with the subpoena or warrant may  
6 have on any license that the individual holds or for which the individual applies. If  
7 the individual fails to comply, before the department of ~~workforce development~~  
8 certifies to a licensing authority or a licensing agency under the system established  
9 under sub. (2) that an individual has failed to comply with a subpoena or warrant,  
10 the department of ~~workforce development~~ or a child support agency shall provide  
11 notice to the individual by regular mail. The notice shall inform the individual of all  
12 of the following:

13 **SECTION 636.** 49.857 (3) (bm) of the statutes is amended to read:

14 49.857 (3) (bm) If an individual, after receiving notice under par. (b), does not  
15 satisfy the requirements under the subpoena or warrant, the department of  
16 ~~workforce development~~ shall place the individual's name on a certification list.

17 **SECTION 637.** 49.857 (3) (c) (intro.) of the statutes is amended to read:

18 49.857 (3) (c) (intro.) If the department of ~~workforce development~~ children and  
19 families provides a certification list to a licensing authority, a licensing agency or,  
20 with respect to a credential granted by a credentialing board, the department of  
21 regulation and licensing, upon receipt of the list the licensing authority if the  
22 licensing authority agrees, the licensing agency or, with respect to a credential  
23 granted by a credentialing board, the department of regulation and licensing shall  
24 do all of the following:

25 **SECTION 638.** 49.857 (3) (d) 1. of the statutes is amended to read:

1           49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of  
2 delinquent support, is denied a license or whose license, on the basis of delinquent  
3 support, is restricted, limited, suspended, or refused renewal or revalidation under  
4 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent  
5 amount of support in full or makes satisfactory alternative payment arrangements,  
6 the department of ~~workforce development~~ children and families shall immediately  
7 notify the licensing authority or licensing agency to issue or reinstate the individual's  
8 license as provided in the memorandum of understanding. If the individual held or  
9 applied for a credential granted by a credentialing board, the department of  
10 regulation and licensing shall, upon notice by the department of ~~workforce~~  
11 ~~development~~ children and families, notify the credentialing board to grant or  
12 reinstate the individual's credential.

13           **SECTION 639.** 49.857 (3) (d) 2. of the statutes is amended to read:

14           49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a  
15 failure to comply with a subpoena or warrant, is denied a license or whose license,  
16 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,  
17 suspended, or refused renewal or revalidation under a memorandum of  
18 understanding entered into under sub. (2) (b) satisfies the requirements under the  
19 subpoena or warrant, the department of ~~workforce development~~ children and  
20 families shall immediately notify the licensing authority or licensing agency to issue  
21 or reinstate the individual's license as provided in the memorandum of  
22 understanding. If the individual held or applied for a credential granted by a  
23 credentialing board, the department of regulation and licensing shall, upon notice  
24 by the department of ~~workforce development~~ children and families, notify the  
25 credentialing board to grant or reinstate the individual's credential.

1           **SECTION 640.** 49.857 (4) of the statutes is amended to read:

2           49.857 (4) Each licensing agency shall enter into a memorandum of  
3 understanding with the department of ~~workforce development~~ children and families  
4 under sub. (2) (b) and shall cooperate with the department of ~~workforce development~~  
5 children and families in its administration of s. 49.22. The department of regulation  
6 and licensing shall enter into a memorandum of understanding with the department  
7 of ~~workforce development~~ children and families on behalf of a credentialing board  
8 with respect to a credential granted by the credentialing board.

9           **SECTION 641.** 49.858 (1) of the statutes is renumbered 49.858 (1) (intro.) and  
10 amended to read:

11           49.858 (1) (intro.) In this section, ~~“support”~~:

12           (b) “Support” has the meaning given in s. 49.857 (1) (g).

13           **SECTION 642.** 49.858 (1) (a) of the statutes is created to read:

14           49.858 (1) (a) “Department” means the department of children and families.

15           **SECTION 643.** 49.858 (2) (intro.) of the statutes is amended to read:

16           49.858 (2) RULES. (intro.) For the procedures under this subchapter for the  
17 administrative enforcement of support obligations, the department of ~~workforce~~  
18 ~~development~~ shall promulgate rules related to all of the following:

19           **SECTION 644.** 49.858 (3) of the statutes is amended to read:

20           49.858 (3) REVIEW OF CIRCUIT COURT COMMISSIONER DECISIONS. If a circuit court  
21 commissioner conducts a hearing in any administrative support enforcement  
22 proceeding under s. 49.852, 49.856 or 49.857, the department of ~~workforce~~  
23 ~~development~~ or the obligor may, within 15 business days after the date that the  
24 circuit court commissioner makes his or her decision, request review of the decision  
25 by the court with jurisdiction over the matter.

1           **SECTION 645.** 49.86 of the statutes is renumbered 49.86 (2) and amended to  
2 read:

3           **49.86 (2)** Withdrawal or disbursement of moneys deposited in a public  
4 depository, as defined in s. 34.01 (5), to the credit of the department of ~~workforce~~  
5 ~~development~~ or any of its divisions or agencies shall be by check, share draft, or other  
6 draft signed by the secretary of ~~workforce development~~ or by one or more persons in  
7 the department of ~~workforce development~~ designated by written authorization of the  
8 secretary of ~~workforce development~~. Such checks, share drafts, and other drafts  
9 shall be signed personally or by use of a mechanical device adopted by the secretary  
10 of ~~workforce development~~ or his or her designees for affixing a facsimile signature.  
11 Any public depository shall be fully warranted and protected in making payment on  
12 any check, share draft, or other draft bearing such facsimile signature  
13 notwithstanding that the facsimile may have been placed thereon without the  
14 authority of the secretary of ~~workforce development~~ or his or her designees.

15           **SECTION 646.** 49.86 (1) of the statutes is created to read:

16           **49.86 (1)** In this section:

17           (a) "Department" means the department of children and families.

18           (b) "Secretary" means the secretary of children and families.

19           **SECTION 647.** 49.89 (2) of the statutes is amended to read:

20           **49.89 (2) SUBROGATION.** The department of health and family services, the  
21 department of ~~workforce development~~ children and families, a county, or an elected  
22 tribal governing body that provides any public assistance under this chapter or  
23 under s. 253.05 as a result of the occurrence of an injury, sickness, or death that  
24 creates a claim or cause of action, whether in tort or contract, on the part of a public  
25 assistance recipient or beneficiary or the estate of a recipient or beneficiary against

1 a 3rd party, including an insurer, is subrogated to the rights of the recipient,  
2 beneficiary or estate and may make a claim or maintain an action or intervene in a  
3 claim or action by the recipient, beneficiary, or estate against the 3rd party.  
4 Subrogation under this subsection because of the provision of medical assistance  
5 under subch. IV constitutes a lien, equal to the amount of the medical assistance  
6 provided as a result of the injury, sickness, or death that gave rise to the claim. The  
7 lien is on any payment resulting from a judgment or settlement that may be due the  
8 obligor. A lien under this subsection continues until it is released and discharged by  
9 the department of health and family services.

10 **SECTION 648.** 49.89 (6) of the statutes is amended to read:

11 49.89 (6) DEPARTMENTS' DUTIES AND POWERS. The department of health and  
12 family services and the department of ~~workforce development~~ children and families  
13 shall enforce their rights under this section and may contract for the recovery of any  
14 claim or right of indemnity arising under this section.

15 **SECTION 649.** 49.89 (7) (d) 2. of the statutes is amended to read:

16 49.89 (7) (d) 2. Any county or elected tribal governing body that has made a  
17 recovery under this section for which it is eligible to receive an incentive payment  
18 under par. (c) shall report such recovery to the department of ~~workforce development~~  
19 children and families within 30 days after the end of the month in which the recovery  
20 is made in a manner specified by the department of ~~workforce development~~ children  
21 and families.

22 **SECTION 650.** 49.90 (2) of the statutes is amended to read:

23 49.90 (2) Upon failure of these relatives to provide maintenance the authorities  
24 or board shall submit to the corporation counsel a report of its findings. Upon receipt  
25 of the report the corporation counsel shall, within 60 days, apply to the circuit court

1 for the county in which the dependent person under sub. (1) (a) 1. or the child of a  
2 dependent person under sub. (1) (a) 2. resides for an order to compel the  
3 maintenance. Upon such an application the corporation counsel shall make a  
4 written report to the county department under s. 46.215, 46.22, or 46.23, with a copy  
5 to the chairperson of the county board of supervisors in a county with a single-county  
6 department or the county boards of supervisors in counties with a multicounty  
7 department, and to the department of health and family services or the department  
8 of ~~workforce development~~ children and families, whichever is appropriate.

9 **SECTION 651.** 49.90 (2g) of the statutes is amended to read:

10 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a  
11 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who  
12 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a  
13 dependent minor or the child's parent may apply to the circuit court for the county  
14 in which the child resides for an order to compel the provision of maintenance. A  
15 county department under s. 46.215, 46.22, or 46.23, a county child support agency  
16 under s. 59.53 (5), or the department of ~~workforce development~~ children and families  
17 may initiate an action to obtain maintenance of the child by the child's grandparent  
18 under sub. (1) (a) 2., regardless of whether the child receives public assistance.

19 **SECTION 652.** 49.90 (4) of the statutes is amended to read:

20 49.90 (4) The circuit court shall in a summary way hear the allegations and  
21 proofs of the parties and by order require maintenance from these relatives, if they  
22 have sufficient ability, considering their own future maintenance and making  
23 reasonable allowance for the protection of the property and investments from which  
24 they derive their living and their care and protection in old age, in the following  
25 order: First the husband or wife; then the father and the mother; and then the

1 grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify  
2 a sum which will be sufficient for the support of the dependent person under sub. (1)  
3 (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be  
4 paid weekly or monthly, during a period fixed by the order or until the further order  
5 of the court. If the court is satisfied that any such relative is unable wholly to  
6 maintain the dependent person or the child, but is able to contribute to the person's  
7 support or the child's maintenance, the court may direct 2 or more of the relatives  
8 to maintain the person or the child and prescribe the proportion each shall  
9 contribute. If the court is satisfied that these relatives are unable together wholly  
10 to maintain the dependent person or the child, but are able to contribute to the  
11 person's support or the child's maintenance, the court shall direct a sum to be paid  
12 weekly or monthly by each relative in proportion to ability. Contributions directed  
13 by court order, if for less than full support, shall be paid to the department of health  
14 and family services or the department of children and families, whichever is  
15 appropriate, and distributed as required by state and federal law. An order under  
16 this subsection that relates to maintenance required under sub. (1) (a) 2. shall  
17 specifically assign responsibility for and direct the manner of payment of the child's  
18 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon  
19 application of any party affected by the order and upon like notice and procedure, the  
20 court may modify such an order. Obedience to such an order may be enforced by  
21 proceedings for contempt.

22 **SECTION 653.** 50.01 (1g) (b) of the statutes is amended to read:

23 50.01 (1g) (b) A facility or private home that provides care, treatment, and  
24 services only for victims of domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a), and  
25 their children.

1           **SECTION 654.** 50.498 (1m) of the statutes is amended to read:

2           50.498 (1m) If an individual who applies for a certificate of approval, license  
3 or provisional license under sub. (1) does not have a social security number, the  
4 individual, as a condition of obtaining the certificate of approval, license or  
5 provisional license, shall submit a statement made or subscribed under oath or  
6 affirmation to the department that the applicant does not have a social security  
7 number. The form of the statement shall be prescribed by the department of  
8 ~~workforce development~~ children and families. A certificate of approval, license or  
9 provisional license issued in reliance upon a false statement submitted under this  
10 subsection is invalid.

11           **SECTION 655.** 51.032 (1m) of the statutes is amended to read:

12           51.032 (1m) If an individual who applies for a certification or approval under  
13 sub. (1) does not have a social security number, the individual, as a condition of  
14 obtaining the certification or approval, shall submit a statement made or subscribed  
15 under oath or affirmation to the department that the applicant does not have a social  
16 security number. The form of the statement shall be prescribed by the department  
17 of ~~workforce development~~ children and families. A certification or approval issued  
18 in reliance upon a false statement submitted under this subsection is invalid.

19           **SECTION 656.** 51.30 (4) (b) 27. of the statutes is amended to read:

20           51.30 (4) (b) 27. For the purpose of entering information concerning the subject  
21 individual into the statewide automated child welfare information system  
22 established under s. ~~46.03~~ 48.47 (7g).

23           **SECTION 657.** 51.42 (3) (as) 1. of the statutes is amended to read:

24           51.42 (3) (as) 1. A county department of community programs shall authorize  
25 all care of any patient in a state, local, or private facility under a contractual



1 agreement between the county department of community programs and the facility,  
2 unless the county department of community programs governs the facility. The need  
3 for inpatient care shall be determined by the program director or designee in  
4 consultation with and upon the recommendation of a licensed physician trained in  
5 psychiatry and employed by the county department of community programs or its  
6 contract agency. In cases of emergency, a facility under contract with any county  
7 department of community programs shall charge the county department of  
8 community programs having jurisdiction in the county where the patient is found.  
9 The county department of community programs shall reimburse the facility for the  
10 actual cost of all authorized care and services less applicable collections under s.  
11 46.036, unless the department of health and family services determines that a  
12 charge is administratively infeasible, or unless the department of health and family  
13 services, after individual review, determines that the charge is not attributable to the  
14 cost of basic care and services. Except as provided in subd. 1m., a county department  
15 of community programs may not reimburse any state institution or receive credit for  
16 collections for care received ~~therein~~ in a state institution by nonresidents of this  
17 state, interstate compact clients, transfers under s. 51.35 (3), ~~and~~ transfers from  
18 Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977  
19 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s.  
20 975.17, 1977 stats., or children placed in the guardianship of the department of  
21 ~~health and family services~~ children and families under s. 48.427 or 48.43 or under  
22 the supervision of the department of corrections under s. 938.183 or 938.355. The  
23 exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs ~~which~~  
24 that are attributable to care and treatment of the client.

25 **SECTION 658.** 51.437 (4rm) (a) of the statutes is amended to read:

1           51.437 (4rm) (a) A county department of developmental disabilities services  
2 shall authorize all care of any patient in a state, local, or private facility under a  
3 contractual agreement between the county department of developmental disabilities  
4 services and the facility, unless the county department of developmental disabilities  
5 services governs the facility. The need for inpatient care shall be determined by the  
6 program director or designee in consultation with and upon the recommendation of  
7 a licensed physician trained in psychiatry and employed by the county department  
8 of developmental disabilities services or its contract agency prior to the admission  
9 of a patient to the facility except in the case of emergency services. In cases of  
10 emergency, a facility under contract with any county department of developmental  
11 disabilities services shall charge the county department of developmental  
12 disabilities services having jurisdiction in the county where the individual receiving  
13 care is found. The county department of developmental disabilities services shall  
14 reimburse the facility, except as provided under par. (c), for the actual cost of all  
15 authorized care and services less applicable collections under s. 46.036, unless the  
16 department of health and family services determines that a charge is  
17 administratively infeasible, or unless the department of health and family services,  
18 after individual review, determines that the charge is not attributable to the cost of  
19 basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to  
20 direct and indirect costs which are attributable to care and treatment of the client.  
21 County departments of developmental disabilities services may not reimburse any  
22 state institution or receive credit for collections for care received therein in a state  
23 institution by nonresidents of this state, interstate compact clients, transfers under  
24 s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,  
25 or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., children

1 placed in the guardianship of the department of health and family services children  
2 and families under s. 48.427 or 48.43 or juveniles under the supervision of the  
3 department of corrections under s. 938.183 or 938.355.

4 **SECTION 659.** 59.22 (2) (c) 2. of the statutes is amended to read:

5 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the  
6 rules of the department of ~~workforce development~~ children and families under s.  
7 49.78 (4) to (7) relating to employees administering old-age assistance, aid to  
8 families with dependent children, aid to the blind, or aid to totally and permanently  
9 disabled persons or ss. 63.01 to 63.17.

10 **SECTION 660.** 59.40 (2) (p) of the statutes is amended to read:

11 59.40 (2) (p) Cooperate with the department of ~~workforce development~~ children  
12 and families with respect to the child and spousal support and establishment of  
13 paternity and medical support liability program under ss. 49.22 and 59.53 (5), and  
14 provide that department with any information from court records which it requires  
15 to administer that program.

16 **SECTION 661.** 59.52 (4) (a) 18. of the statutes is amended to read:

17 59.52 (4) (a) 18. Case records and other record material of all public assistance  
18 that are kept as required under ch. 49, if no payments have been made for at least  
19 3 years and if a face sheet or similar record of each case and a financial record of all  
20 payments for each aid account are preserved in accordance with rules adopted by the  
21 department of health and family services or by the department of ~~workforce~~  
22 ~~development~~ children and families. If the department of health and family services  
23 or the department of ~~workforce development~~ children and families has preserved  
24 such case records and other record material on computer disc or tape or similar  
25 device, a county may destroy the original records and record material under rules

1 adopted by the department that has preserved those case records or other record  
2 material.

3 **SECTION 662.** 59.53 (3) of the statutes is amended to read:

4 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for  
5 promoting and assisting any community action agency under s. 46.30 ~~49.265~~.

6 **SECTION 663.** 59.53 (5) (a) of the statutes is amended to read:

7 59.53 (5) (a) The board shall contract with the department of ~~workforce~~  
8 ~~development~~ children and families to implement and administer the child and  
9 spousal support and establishment of paternity and the medical support liability  
10 programs provided for by Title IV of the federal social security act. The board may  
11 designate by board resolution any office, officer, board, department, or agency, except  
12 the clerk of circuit court, as the county child support agency. The board or county  
13 child support agency shall implement and administer the programs in accordance  
14 with the contract with the department of ~~workforce development~~ children and  
15 families. The attorneys responsible for support enforcement under sub. (6) (a),  
16 circuit court commissioners, and all other county officials shall cooperate with the  
17 county and the department of ~~workforce development~~ children and families as  
18 necessary to provide the services required under the programs. The county shall  
19 charge the fee established by the department of ~~workforce development~~ children and  
20 families under s. 49.22 for services provided under this paragraph to persons not  
21 receiving benefits under s. 49.148 or 49.155 or assistance under s. ~~46.261, 48.645,~~  
22 49.19, or 49.47.

23 **SECTION 664.** 59.53 (5) (b) of the statutes is amended to read:

24 59.53 (5) (b) The county child support agency under par. (a) shall electronically  
25 enter into the statewide data system related to child and spousal support payments

1 that is operated by the department of ~~workforce development~~ children and families  
2 the terms of any order made or judgment granted in the circuit court of the county  
3 requiring payments under s. 948.22 (7) or ch. 767 or 769 that are directed under s.  
4 767.57 (1) to be paid to the department of ~~workforce development~~ children and  
5 families or its designee. The county child support agency shall enter the terms of any  
6 such order or judgment within the time required by federal law and shall enter  
7 revisions ordered by the court to any order or judgment the terms of which are  
8 maintained on the data system.

9 **SECTION 665.** 59.69 (15) (intro.) of the statutes is amended to read:

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

16 **SECTION 666.** 59.69 (15) (c) of the statutes is amended to read:

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

23 **SECTION 667.** 59.69 (15) (d) of the statutes is amended to read:

24 59.69 (15) (d) ~~Where~~ If the community living arrangement has capacity for 9  
25 to 15 persons being served by the program, meets the criteria listed in pars. (a) and

1 (b), and is licensed, or operated, or permitted under the authority of the department  
2 of health and family services or the department of children and families, the facility  
3 is entitled to locate in any residential area except areas zoned exclusively for  
4 single-family or 2-family residences, except as provided in par. (i), but is entitled to  
5 apply for special zoning permission to locate in those areas. The municipality may  
6 grant special zoning permission at its discretion and shall make a procedure  
7 available to enable such facilities to request such permission.

8 **SECTION 668.** 59.69 (15) (e) of the statutes is amended to read:

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

16 **SECTION 669.** 59.69 (15) (f) of the statutes is amended to read:

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

25 **SECTION 670.** 59.69 (15) (h) of the statutes is amended to read:

1           59.69 (15) (h) The attorney general shall take action, upon the request of the  
2 department of health and family services or the department of children and families,  
3 to enforce compliance with this subsection.

4           **SECTION 671.** 60.63 (intro.) of the statutes is amended to read:

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

11           **SECTION 672.** 60.63 (4) of the statutes is amended to read:

12           60.63 (4) If the community living arrangement has capacity for 8 or fewer  
13 persons being served by the program, meets the criteria listed in subs. (1) and (2),  
14 and is licensed, operated, or permitted under the authority of the department of  
15 health and family services or the department of children and families, the  
16 community living arrangement is entitled to locate in any residential zone, without  
17 being required to obtain special zoning permission except as provided under sub.  
18 (10).

19           **SECTION 673.** 60.63 (5) of the statutes is amended to read:

20           60.63 (5) In all cases where the community living arrangement has capacity  
21 for 9 to 15 persons being served by the program, meets the criteria listed in subs. (1)  
22 and (2), and is licensed, operated, or permitted under the authority of the department  
23 of health and family services or the department of children and families, that facility  
24 is entitled to locate in any residential area except areas zoned exclusively for  
25 single-family or 2-family residences except as provided in sub. (10), but is entitled

1 to apply for special zoning permission to locate in those areas. The town may grant  
2 such special zoning permission at its discretion and shall make a procedure available  
3 to enable such facilities to request such permission.

4 **SECTION 674.** 60.63 (6) of the statutes is amended to read:

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

12 **SECTION 675.** 60.63 (7) of the statutes is amended to read:

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

20 **SECTION 676.** 60.63 (9) of the statutes is amended to read:

21 60.63 (9) The attorney general shall take all necessary action, upon the request  
22 of the department of health and family services or the department of children and  
23 families, to enforce compliance with this section.

24 **SECTION 677.** 62.23 (7) (i) (intro.) of the statutes is amended to read:



1           62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes  
2 of this section, the location of a community living arrangement for adults, as defined  
3 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743  
4 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in  
5 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any city shall be  
6 subject to the following criteria:

7           **SECTION 678.** 62.23 (7) (i) 3. of the statutes is amended to read:

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

14           **SECTION 679.** 62.23 (7) (i) 4. of the statutes is amended to read:

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

24           **SECTION 680.** 62.23 (7) (i) 5. of the statutes is amended to read:

1           62.23 (7) (i) 5. In all cases where the community living arrangement has  
2 capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2.,  
3 and is licensed, operated, or permitted under the authority of the department of  
4 health and family services or the department of children and families, that facility  
5 is entitled to apply for special zoning permission to locate in areas zoned for  
6 residential use. The city may grant such special zoning permission at its discretion  
7 and shall make a procedure available to enable such facilities to request such  
8 permission.

9           **SECTION 681.** 62.23 (7) (i) 6. of the statutes is amended to read:

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

18           **SECTION 682.** 62.23 (7) (i) 8. of the statutes is amended to read:

19           62.23 (7) (i) 8. The attorney general shall take all necessary action, upon the  
20 request of the department of health and family services or the department of children  
21 and families, to enforce compliance with this paragraph.

22           **SECTION 683.** 66.1017 (1) (a) of the statutes is amended to read:

23           66.1017 (1) (a) "Family day care home" means a dwelling licensed as a day care  
24 center by the department of ~~health and family services~~ children and families under  
25 s. 48.65 where care is provided for not more than 8 children.