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1 **SECTION 431.** 48.55 (1) of the statutes is amended to read:

2 48.55 (1) The department shall establish a state adoption information
3 exchange for the purpose of finding adoptive homes for children with special needs
4 who do not have permanent homes and a state adoption center for the purposes of
5 increasing public knowledge of adoption and promoting to adolescents and pregnant
6 women the availability of adoption services. From the appropriation under s. 20.435
7 ~~(3) 20.437 (1) (dg)~~, the department may provide ~~not more than \$163,700 in fiscal year~~
8 ~~2001-02~~ and not more than \$171,300 in each fiscal year thereafter as grants to
9 individuals and private agencies to provide adoption information exchange services
10 and to operate the state adoption center.

11 **SECTION 432.** 48.561 (3) (a) 1. of the statutes is amended to read:

12 48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the amount amounts
13 distributed to that county under s. ss. 46.40 (2) and 48.563 (2) in each state fiscal year.

14 **SECTION 433.** 48.561 (3) (b) of the statutes is amended to read:

15 48.561 (3) (b) The department of administration shall collect the amount
16 specified in par. (a) 3. from a county having a population of 500,000 or more by
17 deducting all or part of that amount from any state payment due that county under
18 s. 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration shall
19 notify the department of revenue, by September 15 of each year, of the amount to be
20 deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or 79.08.
21 The department of administration shall credit all amounts collected under this
22 paragraph to the appropriation account under s. 20.435 ~~(3) 20.437 (1) (kw)~~ and shall
23 notify the county from which those amounts are collected of that collection. The
24 department may not expend any moneys from the appropriation account under s.
25 ~~20.435 (3) 20.437 (1) (cx)~~ for providing services to children and families under s. 48.48

\$ 67,265,000

1 (17) until the amounts in the appropriation account under s. 20.435 (3) 20.437 (1)
2 (kw) are exhausted.

3 **SECTION 434.** 48.563 of the statutes is created to read:

4 **48.563 Children and family aids funding.** (1) DISTRIBUTION LIMITS. (a)

5 Within the limits of available federal funds and of the appropriations under s. 20.437
6 (1) (b) and (o), the department shall distribute funds for children and family services
7 to county departments as provided in subs. (2), (3), and (7m) and s. 48.986.

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

13 (2) BASIC COUNTY ALLOCATION. For children and family services under s. 48.569

14 (1) (d), the department shall distribute not more than \$66,268,600 in each fiscal year.

15 **SECTION 435.** 48.565 of the statutes is created to read:

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

23 (3) At the request of a county, tribal governing body, or private nonprofit
24 organization, the department shall carry forward up to 3 percent of the total amount
25 allocated to the county, tribal governing body, or nonprofit organization for a

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

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

14 **SECTION 436.** 48.567 of the statutes is created to read:

15 **48.567 Expenditure of income augmentation services receipts. (1)**

16 From the appropriation account under s. 20.437 (3) (mp), the department shall
17 support costs that are exclusively related to the ongoing and recurring operational
18 costs of augmenting the amount of moneys received under 42 USC 670 to 679a and
19 to any other purpose provided for by the legislature by law or in budget
20 determinations. In addition, the department may expend moneys from the
21 appropriation account under s. 20.437 (3) (mp) as provided in subs. (1m) and (2).

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

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

12 **SECTION 437.** 48.568 of the statutes is created to read:

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

1 scheduled a meeting for the purpose of reviewing the plan, the department may
2 implement the plan, notwithstanding s. 48.563, only with the approval of the
3 committee.

4 **SECTION 438.** 48.569 of the statutes is created to read:

5 **48.569 Distribution of children and family aids funds to counties. (1)**

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

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

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

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

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

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

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

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

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

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

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

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

10 **SECTION 439.** 48.57 (1) (g) of the statutes is amended to read:

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

14 **SECTION 440.** 48.57 (3) (a) 3. (intro.) of the statutes is amended to read:

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

17 **SECTION 441.** 48.57 (3) (b) of the statutes is amended to read:

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

21 **SECTION 442.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

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

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

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

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

13 **SECTION 444.** 48.57 (3p) (b) 1. of the statutes is amended to read:

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

19 **SECTION 445.** 48.57 (3p) (b) 2. of the statutes is amended to read:

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

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

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

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

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

16 **SECTION 448.** 48.57 (3p) (c) 2. of the statutes is amended to read:

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

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

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

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

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

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

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

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

5 **SECTION 452.** 48.57 (3p) (e) (intro.) of the statutes is amended to read:

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

10 **SECTION 453.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

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

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

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

24 **SECTION 455.** 48.57 (3p) (fm) 2. of the statutes is amended to read:

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

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

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

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

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

18 **SECTION 457.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

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

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

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

16 **SECTION 459.** 48.57 (3p) (h) 2. of the statutes is amended to read:

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

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

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

13 **SECTION 461.** 48.57 (3p) (h) 4. of the statutes is amended to read:

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

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

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

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

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

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

14 **SECTION 464.** 48.576 of the statutes is created to read:

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

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

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

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

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

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

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

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

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

5 **SECTION 465.** 48.578 of the statutes is created to read:

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

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

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

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

23 **SECTION 466.** 48.60 (3) of the statutes is amended to read:

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

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

7 **SECTION 467.** 48.62 (5) (d) of the statutes is amended to read:

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

22 **SECTION 468.** 48.627 (2) (c) of the statutes is amended to read:

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

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

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

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

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

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

22 **SECTION 471.** 48.627 (2s) (intro.) of the statutes is amended to read:

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

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

3 **SECTION 472.** 48.627 (3) (f) of the statutes is amended to read:

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

15 **SECTION 473.** 48.627 (4) of the statutes is amended to read:

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

22 **SECTION 474.** 48.63 (1) of the statutes is amended to read:

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

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

17 **SECTION 475.** 48.64 (1) of the statutes is amended to read:

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

22 **SECTION 476.** 48.651 (1) (intro.) of the statutes is amended to read:

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

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

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

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

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

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

16 **SECTION 479.** 48.651 (2m) of the statutes is amended to read:

17 48.651 (2m) Each county department shall provide the department of health
18 and family services with information about each person who is denied certification
19 for a reason specified in s. 48.685 (4m) (a) 1. to 5.

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

21 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall
22 license and supervise child welfare agencies, as required by s. 48.60, group homes,
23 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care
24 centers, as required by s. 48.65. The department may license foster homes or
25 treatment foster homes, as provided by s. 48.62, and may license and supervise

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1 county departments in accordance with the procedures specified in this section and
2 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the
3 records and visit the premises of all child welfare agencies, group homes, shelter care
4 facilities, and day care centers and visit the premises of all foster homes and
5 treatment foster homes in which children are placed.

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

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

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

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

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

23 48.66 (2m) (am) 2. If an applicant who is an individual does not have a social
24 security number, the applicant shall submit a statement made or subscribed under
25 oath or affirmation to the department of corrections that the applicant does not have

1 a social security number. The form of the statement shall be prescribed by the
2 department of ~~workforce development~~. A license issued in reliance upon a false
3 statement submitted under this subdivision is invalid.

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

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

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

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

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

23 48.66 **(2m)** (cm) The department of corrections may not disclose any
24 information obtained under par. (am) 1. to any person except on the request of the
25 department of ~~workforce development~~ under s. 49.22 (2m).

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

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

7 **SECTION 488.** 48.685 (2) (am) 5. of the statutes is amended to read:

8 48.685 (2) (am) 5. Information maintained by the department of health and
9 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13
10 (14) regarding any denial to the person of a license, continuation or renewal of a
11 license, certification, or a contract to operate an entity for a reason specified in sub.
12 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
13 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
14 5. If the information obtained under this subdivision indicates that the person has
15 been denied a license, continuation or renewal of a license, certification, a contract,
16 employment, or permission to reside as described in this subdivision, the
17 department, a county department, a child welfare agency or a school board need not
18 obtain the information specified in subds. 1. to 4.

19 **SECTION 489.** 48.685 (2) (b) 1. e. of the statutes is amended to read:

20 48.685 (2) (b) 1. e. Information maintained by the department of health and
21 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13
22 (14) regarding any denial to the person of a license, continuation or renewal of a
23 license, certification, or a contract to operate an entity for a reason specified in sub.
24 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
25 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to

1 5. If the information obtained under this subd. 1. e. indicates that the person has
2 been denied a license, continuation or renewal of a license, certification, a contract,
3 employment, or permission to reside as described in this subd. 1. e., the entity need
4 not obtain the information specified in subd. 1. a. to d.

5 **SECTION 490.** 48.685 (5c) (a) of the statutes is amended to read:

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

12 **SECTION 491.** 48.685 (8) of the statutes is amended to read:

13 48.685 (8) The department, the department of health and family services, a
14 county department, a child welfare agency, or a school board may charge a fee for
15 obtaining the information required under sub. (2) (am) or (3) (a) or for providing
16 information to an entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b).
17 The fee may not exceed the reasonable cost of obtaining the information. No fee may
18 be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or
19 maintaining information if to do so would be inconsistent with federal law.

20 **SECTION 492.** 48.715 (6) of the statutes is amended to read:

21 48.715 (6) The department of health and family services shall deny, suspend,
22 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
23 probationary license under s. 48.69 to operate a child welfare agency, group home,
24 shelter care facility, or day care center, and the department of corrections shall deny,
25 suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1)

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

11 **SECTION 493.** 48.743 of the statutes is created to read:

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

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

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

1 (4) A community living arrangement for children with a capacity for 8 or fewer
2 persons shall be a permissible use for purposes of any deed covenant which limits use
3 of property to single-family or 2-family residences. A community living
4 arrangement for children with a capacity for 15 or fewer persons shall be a
5 permissible use for purposes of any deed covenant which limits use of property to
6 more than 2-family residences. Covenants in deeds which expressly prohibit use of
7 property for community living arrangements for children are void as against public
8 policy.

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

17 **SECTION 494.** 48.745 (5) of the statutes is amended to read:

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

22 **SECTION 495.** 48.75 (1m) of the statutes is amended to read:

23 48.75 (1m) Each child welfare agency and public licensing agency shall provide
24 ~~the subunit of the department that administers s. 48.685~~ of health and family

1 services with information about each person who is denied a license for a reason
2 specified in s. 48.685 (4m) (a) 1. to 5.

3 **SECTION 496.** 48.78 (2) (h) of the statutes is amended to read:

4 48.78 **(2)** (h) Paragraph (a) does not prohibit the department, a county
5 department, or a licensed child welfare agency from entering the content of any
6 record kept or information received by the department, county department, or
7 licensed child welfare agency into the statewide automated child welfare
8 information system established under s. ~~46.03~~ 48.47 (7g).

9 **SECTION 497.** 48.839 (1) (d) of the statutes is amended to read:

10 48.839 **(1)** (d) If custody of the child is transferred under sub. (4) (b) to a county
11 department or child welfare agency before the child is adopted, the department shall
12 periodically bill the guardian and the surety under s. ~~46.03 (18) (b) or 46.10~~ 49.32 (1)
13 (b) or 49.345 for the cost of care and maintenance of the child until the child is adopted
14 or becomes age 18, whichever is earlier. The guardian and surety shall also be liable
15 under the bond for costs incurred by the department in enforcing the bond against
16 the guardian and surety.

17 **SECTION 498.** 48.839 (1) (e) of the statutes is amended to read:

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

23 **SECTION 499.** 48.93 (1d) of the statutes is amended to read:

24 48.93 **(1d)** All records and papers pertaining to an adoption proceeding shall
25 be kept in a separate locked file and may not be disclosed except under sub. (1g) or

1 (1r), s. ~~46.03 (29)~~, 48.432, 48.433, 48.434, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order
2 of the court for good cause shown.

3 **SECTION 500.** 48.98 (2) (d) of the statutes is amended to read:

4 48.98 (2) (d) The department shall periodically bill the person who filed the
5 bond and the surety under s. ~~46.03 (18) (b) or 46.10 49.32 (1) (b) or 49.345~~ for the cost
6 of care and maintenance of the child until the child is adopted or becomes age 18,
7 whichever is earlier. The guardian and surety shall also be liable under the bond for
8 costs incurred by the department in enforcing the bond.

9 **SECTION 501.** 48.981 (7) (dm) of the statutes is amended to read:

10 48.981 (7) (dm) Notwithstanding par. (a), an agency may enter the content of
11 any report or record maintained by the agency into the statewide automated child
12 welfare information system established under s. ~~46.03 48.47~~ (7g).

13 **SECTION 502.** 48.981 (8) (a) of the statutes is amended to read:

14 48.981 (8) (a) The department, the county departments, and a licensed child
15 welfare agency under contract with the department in a county having a population
16 of 500,000 or more to the extent feasible shall conduct continuing education and
17 training programs for staff of the department, the county departments, licensed
18 child welfare agencies under contract with the department or a county department,
19 law enforcement agencies, and the tribal social services departments, persons and
20 officials required to report, the general public, and others as appropriate. The
21 programs shall be designed to encourage reporting of child abuse and neglect and of
22 unborn child abuse, to encourage self-reporting and voluntary acceptance of services
23 and to improve communication, cooperation, and coordination in the identification,
24 prevention, and treatment of child abuse and neglect and of unborn child abuse.
25 Programs provided for staff of the department, county departments, and licensed

1 child welfare agencies under contract with county departments or the department
2 whose responsibilities include the investigation or treatment of child abuse or
3 neglect shall also be designed to provide information on means of recognizing and
4 appropriately responding to domestic abuse, as defined in s. 46.95 49.165 (1) (a). The
5 department, the county departments, and a licensed child welfare agency under
6 contract with the department in a county having a population of 500,000 or more
7 shall develop public information programs about child abuse and neglect and about
8 unborn child abuse.

9 **SECTION 503.** 48.981 (8) (d) 1. of the statutes is amended to read:

10 48.981 (8) (d) 1. Each agency staff member and supervisor whose
11 responsibilities include investigation or treatment of child abuse and neglect or of
12 unborn child abuse shall successfully complete training in child abuse and neglect
13 protective services and in unborn child abuse protective services approved by the
14 department. The training shall include information on means of recognizing and
15 appropriately responding to domestic abuse, as defined in s. 46.95 49.165 (1) (a). The
16 department shall monitor compliance with this subdivision according to rules
17 promulgated by the department.

18 **SECTION 504.** 48.982 (2) (g) (intro.) of the statutes is amended to read:

19 48.982 (2) (g) (intro.) In coordination with the ~~departments of health and family~~
20 ~~services and department and the department of public instruction:~~

21 **SECTION 505.** 48.985 (1) of the statutes is amended to read:

22 48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.
23 ~~20.435 (3)~~ 20.437 (1) (n), the department shall expend not more than \$273,700 in each
24 fiscal year of the moneys received under 42 USC 620 to 626 for the department's
25 expenses in connection with administering the expenditure of funds received under

1 42 USC 620 to 626 and for child abuse and neglect and unborn child abuse
2 independent investigations.

\$3,554,300

3 **SECTION 506.** 48.985 (2) of the statutes is amended to read:

4 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the
5 appropriation under s. ~~20.435 (7)~~ 20.437 (1) (o), the department shall distribute not
6 more than ~~\$3,809,600~~ in each fiscal year of the moneys received under 42 USC 620
7 to 626 to county departments under ~~ss. 46.215, 46.22, and 46.23~~ for the provision or
8 purchase of child welfare projects and services, for services to children and families,
9 for services to the expectant mothers of unborn children, and for family-based child
10 welfare services.

11 **SECTION 507.** 48.985 (4) of the statutes is amended to read:

12 48.985 (4) RUNAWAY SERVICES. From the appropriation under s. ~~20.435 (3)~~
13 20.437 (1) (na) for runaway services, not more than \$458,600 in each fiscal year.

14 **SECTION 508.** 48.985 (5) of the statutes is repealed.

15 **SECTION 509.** 48.989 (1) (a) of the statutes is amended to read:

16 48.989 (1) (a) "Appropriate authority in the receiving state" means the
17 department of ~~health and family services~~.

18 **SECTION 510.** 48.989 (1) (b) of the statutes is amended to read:

19 48.989 (1) (b) "Appropriate public authorities" means the department of ~~health~~
20 ~~and family services~~, which shall receive and act with reference to notices required
21 by s. 48.988 (3).

22 **SECTION 511.** Chapter 49 (title) of the statutes is amended to read:

23 **CHAPTER 49**

24 **PUBLIC ASSISTANCE AND**

25 **CHILDREN AND FAMILY SERVICES**

1 Wisconsin administrative register. Emergency assistance provided to needy persons
2 under this section may only be provided to a needy person once in a 12-month period.
3 Emergency assistance provided to needy persons under this section in cases of
4 homelessness or impending homelessness may be used only to obtain or retain a
5 permanent living accommodation. For the purposes of this section, a family is
6 considered to be homeless, or to be facing impending homelessness, if any of the
7 following applies:

8 **SECTION 517.** 49.143 (2) (b) of the statutes is amended to read:

9 49.143 (2) (b) Establish a children's services network. The children's services
10 network shall provide information about community resources available to the
11 dependent children in a Wisconsin works group, including charitable food and
12 clothing centers; subsidized and low-income housing; transportation subsidies; the
13 state supplemental food program for women, infants and children under s. ~~253.06~~
14 49.17; and child care programs. In a county having a population of 500,000 or more,
15 a children's services network shall, in addition, provide a forum for those persons
16 who are interested in the delivery of child welfare services and other services to
17 children and families in the geographical area under sub. (6) served by that
18 children's services network to communicate with and make recommendations to the
19 providers of those services in that geographical area with respect to the delivery of
20 those services in that area.

21 **SECTION 518.** 49.147 (6) (c) of the statutes is amended to read:

22 49.147 (6) (c) *Distribution and administration.* From the appropriation under
23 s. ~~20.445 (3)~~ 20.437 (2) (jL), the department shall distribute funds for job access loans
24 to a Wisconsin Works agency, which shall administer the loans in accordance with
25 rules promulgated by the department.

1 SECTION 519. 49.147 (6) (cm) 1. of the statutes is amended to read:

2 49.147 (6) (cm) 1. The department of workforce development may, in the
3 manner provided in s. 49.85, collect job access loan repayments that are delinquent
4 under the terms of a repayment agreement. The department of workforce
5 development shall credit all delinquent repayments collected by the department of
6 revenue as a setoff under s. 71.93 to the appropriation account under s. 20.445 (3)
7 20.437 (2) (jL). Use of the process under s. 49.85 does not preclude the department
8 of workforce development from collecting delinquent repayments through other
9 legal means.

10 SECTION 520. 49.155 (1g) (b) of the statutes is amended to read:

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

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18 SECTION 521. 49.155 (1g) (c) of the statutes is amended to read:

19 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) 20.437 (2)
20 (mc), transfer \$1,438,200 in fiscal year 2005-06 2007-08 and \$1,440,500 in fiscal
21 year 2006-07 2008-09 to the appropriation account under s. 20.435 (3) 20.437 (1)
22 (kx).

\$4,800,600

Insert 137-22 →

23 SECTION 522. 49.155 (1g) (d) of the statutes is amended to read:

24 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), 2005 stats.,
25 distribute \$3,378,500 in fiscal year 2005-06 and \$3,378,500 in fiscal year 2006-07

was affected by 2007 Wisconsin Act ... (this act)

1 for grants under s. 49.134 (2) for child day care resource and referral services, for
2 contracts under s. 49.137 (4) for training and technical assistance, for grants under
3 s. 49.137 (4m), and for a child care scholarship and bonus program.

4 **SECTION 523.** 49.1635 (1) of the statutes is amended to read:

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

13 **SECTION 524.** 49.175 (1) (intro.) of the statutes is amended to read:

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

18 **SECTION 525.** 49.175 (1) (ze) (title) of the statutes is amended to read:

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

21 **SECTION 526.** 49.175 (1) (ze) 10m. of the statutes is amended to read:

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

Vertical handwritten notes on the left margin: "This section has been affected by drafts with the following..." and "note: rean."

Handwritten note: "and out-of-home placement plan"

Handwritten note: "as affected by 2007 Wisconsin Act 111 (this act)"

Handwritten note: "ARK" circled

Handwritten note: "and for ongoing services"

Large handwritten note at the bottom: "provided in those counties to families with children placed in out-of-home care, \$ 5,631,300"

is affected by 2007 Wisconsin Act 12 (this act)

ARL

1 SECTION 527. 49.175 (1) (zh) of the statutes is amended to read:

2 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
3 moneys from the appropriation account under s. 20.445 (3) 20.437 (2) (md) to the
4 appropriation account under s. 20.835 (2) (kf) for the earned income tax credit,

5 ~~\$55,232,000~~ in each fiscal year, \$30,614,700 2007-08 and \$25,004,300 in fiscal year 2008-09

6 SECTION 528. 49.175 (2) (c) of the statutes is amended to read:

7 49.175 (2) (c) If the amounts of federal block grant moneys that are required
8 to be credited to the appropriation accounts under s. 20.445 (3) 20.437 (2) (mc) and
9 (md) are less than the amounts appropriated under s. 20.445 (3) 20.437 (2) (mc) and
10 (md), the department shall submit a plan to the secretary of administration for
11 reducing the amounts of moneys allocated under sub. (1). If the secretary of
12 administration approves the plan, the amounts of moneys required to be allocated
13 under sub. (1) may be reduced as proposed by the department and the department
14 shall allocate the moneys as specified in the plan.

Insert
39-14

15 SECTION 529. 49.19 (1) (a) 2. b. of the statutes is amended to read:

16 49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed
17 under s. 48.62 if a license is required under that section, in a foster home or treatment
18 foster home located within the boundaries of a federally recognized American Indian
19 reservation in this state and licensed by the tribal governing body of the reservation,
20 in a group home licensed under s. 48.625, or in a residential care center for children
21 and youth licensed under s. 48.60, and has been placed in the foster home, treatment
22 foster home, group home, or center by a county department under s. 46.215, 46.22,
23 or 46.23, by the department of health and family services, by the department of
24 corrections, or by a federally recognized American Indian tribal governing body in
25 this state under an agreement with a county department.

Note: Recm. XXXX NOTE: This is reconciled s. 49.175 (1) (zh) - this section has been affected by drafts with the following LRB #s 0 LRB 0267 and LRB 12610

1 **SECTION 530.** 49.19 (10) (a) of the statutes is amended to read:

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

16 **SECTION 531.** 49.19 (10) (d) of the statutes is amended to read:

17 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
18 treatment foster home, group home, or residential care center for children and youth
19 by the state when the child is in the custody or guardianship of the state, when the
20 child is a ward of an American Indian tribal court in this state and the placement is
21 made under an agreement between the department and the tribal governing body,
22 or when the child was part of the state's direct service case load and was removed
23 from the home of a relative specified in sub. (1) (a) as a result of a judicial
24 determination that continuance in the home of a relative would be contrary to the

1 child's welfare for any reason and the child is placed by the department of health and
2 family services or the department of corrections.

3 **SECTION 532.** 49.19 (11) (a) 1. a. of the statutes is amended to read:

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

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

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

9 **SECTION 533.** 49.19 (11s) (d) of the statutes is amended to read:

10 49.19 (11s) (d) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (a), the
11 department may award grants to county departments under ss. 46.215, 46.22 and
12 46.23 for providing education services relating to family planning, as defined in s.
13 253.07 (1) (a), to persons who are subject to par. (b).

14 **SECTION 534.** 49.195 (3r) of the statutes is amended to read:

15 49.195 (3r) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (L) the
16 department may contract with or employ a collection agency or other person to
17 enforce a repayment obligation of a person who is found liable under sub. (3) who is
18 delinquent in making repayments.