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1 **SECTION 535.** 49.197 (1m) of the statutes is amended to read:

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

20 **SECTION 536.** 49.197 (4) of the statutes is amended to read:

21 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and
22 family services contracts with the department under sub. (5), the department shall
23 provide funds from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (kx) to counties
24 and governing bodies of federally recognized American Indian tribes administering
25 Medical Assistance under subch. IV, the food stamp program under 7 USC 2011 to

1 2036, the supplemental security income payments program under s. 49.77, the
2 program providing payments for the support of children of supplemental security
3 income recipients under s. 49.775, and the Badger Care health care program under
4 s. 49.665 to offset administrative costs of reducing payment errors in those programs.

5 **SECTION 537.** 49.22 (6) of the statutes is amended to read:

6 49.22 (6) The department shall establish, pursuant to federal and state laws,
7 rules and regulations, a uniform system of fees for services provided under this
8 section to individuals not receiving aid under s. ~~46.261~~ 48.645, 49.19, ^{plain} ~~or~~ 49.47,
9 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
10 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term
11 kinship care payments under s. 48.57 (3n). The system of fees may take into account
12 an individual's ability to pay. Any fee paid and collected under this subsection may
13 be retained by the county providing the service except for the fee specified in 42 USC
14 653 (e) (2) for federal parent locator services.

15 **SECTION 538.** 49.22 (7) of the statutes is amended to read:

16 49.22 (7) The department may represent the state in any action to establish
17 paternity or to establish or enforce a support or maintenance obligation. The
18 department may delegate its authority to represent the state in any action to
19 establish paternity or to establish or enforce a support or maintenance obligation
20 under this section to an attorney responsible for support enforcement under s. 59.53
21 (6) (a) pursuant to a contract entered into under s. 59.53 (5). The department shall
22 ensure that any such contract is for an amount reasonable and necessary to assure
23 quality service. The department may, by such a contract, authorize a county to
24 contract with any attorney, collection agency or other person to collect unpaid child
25 support or maintenance. If a county fails to fully implement the programs under s.

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

plain § of 44.471

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1 59.53 (5), the department may implement them and may contract with any
2 appropriate person to obtain necessary services. The department shall establish a
3 formula for disbursing funds appropriated under s. 20.445(3) 20.437(2) (md) to carry
4 out a contract under this subsection.

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5 **SECTION 539.** 49.24 (1) of the statutes is amended to read:

6 49.24 (1) From the appropriation under s. 20.445(3) 20.437(2) (k), the
7 department shall provide child support incentive payments to counties. Total
8 payments under this subsection may not exceed \$5,690,000 per year.

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9 **SECTION 540.** 49.26 (1) (d) of the statutes is amended to read:

10 49.26 (1) (d) A county department or Wisconsin works Works agency that
11 provides services under this subsection directly shall develop a plan, in coordination
12 with the school districts located in whole or in part in the county, describing the
13 assistance that the county department or Wisconsin works Works agency and school
14 districts will provide to individuals receiving services under this subsection, the
15 number of individuals that will be served and the estimated cost of the services. The
16 county department or Wisconsin works Works agency shall submit the plan to the
17 department of workforce development and the department of public instruction by
18 January 15, annually.

19 **SECTION 541.** 49.27 of the statutes is created to read:

20 **49.27 Legal actions.** The department may sue and be sued.

21 **SECTION 542.** 49.273 of the statutes is created to read:

22 **49.273 Research, investigations.** The secretary shall plan for and establish
23 within the department a program of research designed to determine the
24 effectiveness of the treatment, curative, and rehabilitative programs of the various
25 divisions of the department. The secretary may inquire into any matter affecting

1 children and families, hold hearings, subpoena witnesses and make
2 recommendations on those matters to the appropriate public or private agencies.

3 **SECTION 543.** 49.275 of the statutes is amended to read:

4 **49.275 Cooperation with federal government.** The department may
5 cooperate with the federal government in carrying out federal acts concerning public
6 assistance under this subchapter and child welfare under ch. 48 and in other matters
7 of mutual concern under this subchapter pertaining to public welfare and under ch.
8 48 pertaining to child welfare.

9 **SECTION 544.** 49.32 (1) (a) of the statutes is amended to read:

10 49.32 (1) (a) The Except as provided in s. 49.345 (14) (b) and (c), the department
11 shall establish a uniform system of fees for services provided or purchased under this
12 subchapter and ch. 48 by the department, or a county department under s. 46.215,
13 46.22, or 46.23, except as provided in s. 49.22 (6) and except ~~where~~ when, as
14 determined by the department, a fee is administratively unfeasible or would
15 significantly prevent accomplishing the purpose of the service. A county department
16 under s. 46.215, 46.22 or 46.23 shall apply the fees ~~which~~ that it collects under this
17 program to cover the cost of such those services.

18 **SECTION 545.** 49.32 (1) (am) of the statutes is created to read:

19 49.32 (1) (am) Paragraph (a) does not prevent the department from charging
20 and collecting the cost of adoptive placement investigations and child care as
21 authorized under s. 48.837 (7).

22 **SECTION 546.** 49.32 (1) (b) of the statutes is amended to read:

23 49.32 (1) (b) Any Except as provided in s. 49.345 (14) (b) and (c), any person
24 receiving services provided or purchased under par. (a) or the spouse of the person
25 and, in the case of a minor, the parents of the person, and, in the case of a foreign child

1 described in s. 48.839 (1) who became dependent on public funds for his or her
2 primary support before an order granting his or her adoption, the resident of this
3 state appointed guardian of the child by a foreign court who brought the child into
4 this state for the purpose of adoption, shall be liable for the services in the amount
5 of the fee established under par. (a).

6 **SECTION 547.** 49.32 (1) (c) of the statutes is amended to read:

7 49.32 (1) (c) The department shall make collections from the person who in the
8 opinion of the department is best able to pay, giving due regard to the present needs
9 of the person or of his or her lawful dependents. The department may bring an action
10 in the name of the department to enforce the liability established under par. (b). This
11 paragraph does not apply to the recovery of fees for the care and services specified
12 under s. 49.345.

13 **SECTION 548.** 49.32 (2) (d) of the statutes is created to read:

14 49.32 (2) (d) The department shall disburse from state or federal funds or both
15 the entire amount and charge the county for its share under s. 48.569.

16 **SECTION 549.** 49.32 (9) (a) of the statutes is amended to read:

17 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
18 administering aid to families with dependent children shall maintain a monthly
19 report at its office showing the names of all persons receiving aid to families with
20 dependent children together with the amount paid during the preceding month.
21 Each Wisconsin works Works agency administering Wisconsin works Works under
22 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names
23 of all persons receiving benefits under s. 49.148 together with the amount paid
24 during the preceding month. Nothing in this paragraph shall be construed to
25 authorize or require the disclosure in the report of any information (names, amounts

1 of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children
2 in foster homes or treatment foster homes under s. ~~46.261~~ 48.645 or 49.19 (10).

3 **SECTION 550.** 49.32 (11) of the statutes is renumbered 103.005 (21) amended
4 to read:

5 103.005 (21) ~~COMMUNITY ACTION AGENCIES.~~ The department shall distribute all
6 of the funds under s. 20.445 (3) (1) (cr) to community action agencies and
7 organizations, including any of the 11 federally recognized tribal governing bodies
8 in this state and limited-purpose agencies, in proportion to the share of funds
9 actually allocated to these entities under 42 USC 1315 and from other federal and
10 private foundation sources that provide funds for job creation and development for
11 individuals with low incomes.

12 **SECTION 551.** 49.32 (11m) of the statutes is created to read:

13 49.32 (11m) **CONSOLIDATION OF ALLOCATED TRIBAL FUNDS.** The department may
14 consolidate funds appropriated under s. 20.437 that are authorized or required to be
15 allocated to federally recognized American Indian tribes or bands into a single
16 distribution for each tribe or band in each fiscal year.

17 **SECTION 552.** 49.32 (12) of the statutes is amended to read:

18 49.32 (12) **ADMINISTRATIVE HEARINGS AND APPEALS.** Any hearing under s. 227.42
19 granted by the department under this subchapter or ch. 48 may be conducted before
20 the division of hearings and appeals in the department of administration.

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

22 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
23 submit its final budget for services directly provided or purchased under this
24 subchapter or ch. 48 to the department by December 31 annually.

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

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

6 **SECTION 555.** 49.325 (2g) (a) of the statutes is amended to read:

7 **49.325 (2g) (a)** The department shall annually submit to the county board of
8 supervisors in a county with a single-county department or the county boards of
9 supervisors in counties with a multicounty department a proposed written contract
10 containing the allocation of funds for services directly provided or purchased under
11 this subchapter or ch. 48 and such administrative requirements as necessary. The
12 contract as approved may contain conditions of participation consistent with federal
13 and state law. The contract may also include provisions necessary to ensure uniform
14 cost accounting of services. Any changes to the proposed contract shall be mutually
15 agreed upon. The county board of supervisors in a county with a single-county
16 department or the county boards of supervisors in counties with a multicounty
17 department shall approve the contract before January 1 of the year in which it takes
18 effect unless the department grants an extension. The county board of supervisors
19 in a county with a single-county department or the county boards of supervisors in
20 counties with a multicounty department may designate an agent to approve addenda
21 to any contract after the contract has been approved.

22 **SECTION 556.** 49.325 (2g) (c) of the statutes is amended to read:

23 **49.325 (2g) (c)** The joint committee on finance may require the department to
24 submit contracts between county departments under ss. 46.215, 46.22, and 46.23

1 and providers of services under this subchapter or ch. 48 to the committee for review
2 and approval.

3 **SECTION 557.** 49.325 (2r) (a) 1. of the statutes is amended to read:

4 49.325 (2r) (a) 1. For services under this subchapter ~~which~~ or ch. 48 that
5 duplicate or are inconsistent with services being provided or purchased by the
6 department or other county departments receiving grants-in-aid or reimbursement
7 from the department.

8 **SECTION 558.** 49.325 (2r) (a) 2. of the statutes is amended to read:

9 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
10 regulations, in which case the department may also arrange for provision of services
11 under this subchapter or ch. 48 by an alternate agency. The department may not
12 arrange for provision of services by an alternate agency unless the joint committee
13 on finance or a review body designated by the committee reviews and approves the
14 department's determination.

15 **SECTION 559.** 49.325 (3) (a) of the statutes is amended to read:

16 49.325 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the
17 county board of supervisors of each county or the county boards of supervisors of 2
18 or more counties jointly shall establish a citizen advisory committee to the county
19 departments under ss. 46.215, 46.22 and 46.23. The citizen advisory committee shall
20 advise in the formulation of the budget under sub. (1). Membership on the committee
21 shall be determined by the county board of supervisors in a county with a
22 single-county committee or by the county boards of supervisors in counties with a
23 multicounty committee and shall include representatives of those persons receiving
24 services, providers of services and citizens. A majority of the members of the
25 committee shall be citizens and consumers of services. At least one member of the

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

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

13 49.34 (1) All services under this subchapter and ch. 48 purchased by the
14 department or by a county department under s. 46.215, 46.22, or 46.23 shall be
15 authorized and contracted for under the standards established under this section.
16 The department may require the county departments to submit the contracts to the
17 department for review and approval. For purchases of \$10,000 or less the
18 requirement for a written contract may be waived by the department. No contract
19 is required for care provided by foster homes or treatment foster homes that are
20 required to be licensed under s. 48.62. When the department directly contracts for
21 services, it shall follow the procedures in this section in addition to meeting
22 purchasing requirements established in s. 16.75.

23 **SECTION 561.** 49.34 (2) of the statutes is amended to read:

24 49.34 (2) All services purchased under this subchapter and ch. 48 shall meet
25 standards established by the department and other requirements specified by the

1 purchaser in the contract. Based on these standards the department shall establish
2 standards for cost accounting and management information systems that shall
3 monitor the utilization of the services, and document the specific services in meeting
4 the service plan for the client and the objective of the service.

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

6 49.34 (4) (a) Except as provided in this subsection, maintain a uniform double
7 entry accounting system and a management information system which are
8 compatible with cost accounting and control systems prescribed by the department.
9 The department shall establish a simplified double-entry bookkeeping system for
10 use by family-operated group homes. Each purchaser shall determine whether a
11 family-operated group home from which it purchases services shall use the
12 double-entry accounting system or the simplified system and shall include this
13 determination in the purchase of service contract. In this paragraph,
14 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for
15 which the licensee is one or more individuals who operate not more than one group
16 home.

17 **SECTION 563.** 49.34 (4) (c) of the statutes is amended to read:

18 49.34 (4) (c) Unless waived by the department, biennially, or annually if
19 required under federal law, provide the purchaser with a certified financial and
20 compliance audit report if the care and services purchased exceed \$25,000. The audit
21 shall follow standards that the department prescribes. A purchaser may waive the
22 requirements of this paragraph for any family-operated group home, as defined in
23 par. (a), from which it purchases services.

24 **SECTION 564.** 49.34 (5m) (a) 1. of the statutes is amended to read:

1 49.34 (5m) (a) 1. "Provider" means a nonstock corporation organized under ch.
2 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), and that contracts
3 under this section to provide client services on the basis of a unit rate per client
4 service or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 that
5 contracts under this section to provide client services on the basis of a unit rate per
6 client service.

7 **SECTION 565.** 49.34 (5m) (b) 1. of the statutes is amended to read:

8 49.34 (5m) (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a
9 contract for the provision of a rate-based service exceeds allowable costs incurred in
10 the contract period, the provider may retain from the surplus generated by that
11 rate-based service up to 5% of the contract amount. A provider that retains a surplus
12 under this subdivision shall use that retained surplus to cover a deficit between
13 revenue and allowable costs incurred in any preceding or future contract period for
14 the same rate-based service that generated the surplus or to address the
15 programmatic needs of clients served by the same rate-based service that generated
16 the surplus.

17 **SECTION 566.** 49.34 (5m) (b) 2. of the statutes is amended to read:

18 49.34 (5m) (b) 2. Subject to subd. 3. and par. (em), a provider may accumulate
19 funds from more than one contract period under this paragraph, except that, if at the
20 end of a contract period the amount accumulated from all contract periods for a
21 rate-based service exceeds 10% of the amount of all current contracts for that
22 rate-based service, the provider shall, at the request of a purchaser, return to that
23 purchaser the purchaser's proportional share of that excess and use any of that
24 excess that is not returned to a purchaser to reduce the provider's unit rate per client
25 for that rate-based service in the next contract period. If a provider has held for 4

1 consecutive contract periods an accumulated reserve for a rate-based service that
2 is equal to or exceeds 10% of the amount of all current contracts for that rate-based
3 service, the provider shall apply 50% of that accumulated amount to reducing its unit
4 rate per client for that rate-based service in the next contract period.

5 **SECTION 567.** 49.34 (5m) (em) of the statutes is created to read:

6 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under
7 s. 46.215, 51.42, or 51.437 providing client services in a county having a population
8 of 500,000 or more or a nonstock, nonprofit corporation providing client services in
9 such a county may not retain a surplus under par. (b) 1. or accumulate funds under
10 par. (b) 2. from revenues that are used to meet the maintenance-of-effort
11 requirement under the federal temporary assistance for needy families program
12 under 42 USC 601 to 619.

13 **SECTION 568.** 49.345 of the statutes is created to read:

14 **49.345 Cost of care and maintenance; liability; collection and**
15 **deportation counsel; collections; court actions; recovery.** (1) Liability and
16 the collection and enforcement of such liability for the care, maintenance, services,
17 and supplies specified in this section are governed exclusively by this section, except
18 in cases of child support ordered by a court under s. 48.355 (2) (b) 4., 48.357 (5m) (a),
19 or 48.363 (2) or ch. 767.

20 (2) Except as provided in sub. (1) (b) and (c), any person, including but not
21 limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m), receiving care,
22 maintenance, services, and supplies provided by any institution in this state, in
23 which the state is chargeable with all or part of the person's care, maintenance,
24 services, and supplies, and the person's property and estate, including the
25 homestead, and the spouse of the person, and the spouse's property and estate,

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

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

21 (4) (a) If a person liable under sub. (2) fails to make payment or enter into or
22 comply with an agreement for payment, the department may bring an action to
23 enforce the liability or may issue an order to compel payment of the liability. Any
24 person aggrieved by an order issued by the department under this paragraph may

1 appeal the order as a contested case under ch. 227 by filing with the department a
2 request for a hearing within 30 days after the date of the order.

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

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

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

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

24 (7) The department shall administer and enforce this section. It shall appoint
25 an attorney to be designated "collection and deportation counsel" and other

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

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

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

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

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

22 (d) After due regard to the case and to a spouse and minor children who are
23 lawfully dependent on the property for support, compromise or waive any portion of
24 any claim of the state or county for which a person specified under sub. (2) is liable,

1 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other
2 3rd party.

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

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

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

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

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

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

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

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

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

24 (c) Upon request by a parent, the court may modify the amount of child support
25 payments determined under par. (b), subject to par. (cm), if, after considering the

1 following factors, the court finds by the greater weight of the credible evidence that
2 the use of the percentage standard is unfair to the child or to either of the parents:

3 1. The needs of the child.

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

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

9 4. The financial resources of the parents.

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

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

14 7. The age of the child.

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

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

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

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

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

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

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

21 (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), or 48.363 (2)
22 for support determined under this subsection constitutes an assignment of all
23 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or
24 108, and other money due or to be due in the future to the county department under
25 s. 46.22 or 46.23 in the county where the order was entered or to the department,

1 depending upon the placement of the child as specified by rules promulgated under
2 subd. 5. The assignment shall be for an amount sufficient to ensure payment under
3 the order.

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

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

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

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

24 (f) If the amount of the child support determined under this subsection is
25 greater than the cost for the care and maintenance of the minor child in the

1 residential, nonmedical facility, the assignee under par. (e) 1. shall expend or
2 otherwise dispose of any funds that are collected in excess of the cost of such care and
3 maintenance in a manner that the assignee determines will serve the best interests
4 of the minor child.

5 (16) The department shall delegate to county departments under ss. 46.22 and
6 46.23 or the local providers of care and services meeting the standards established
7 by the department under s. 49.34 the responsibilities vested in the department under
8 this section for collection of fees for services other than those provided at state
9 facilities, if the county departments or providers meet the conditions that the
10 department determines are appropriate. The department may delegate to county
11 departments under ss. 46.22 and 46.23 the responsibilities vested in the department
12 under this section for collection of fees for services provided at the state facilities if
13 the necessary conditions are met.

14 **SECTION 569.** 49.35 (1) (a) of the statutes is amended to read:

15 49.35 (1) (a) The department shall supervise the administration of programs
16 under this subchapter and ch. 48. The department shall submit to the federal
17 authorities state plans for the administration of programs under this subchapter and
18 ch. 48 in such form and containing such information as the federal authorities
19 require, and shall comply with all requirements prescribed to ensure their
20 correctness.

21 **SECTION 570.** 49.35 (1) (b) of the statutes is amended to read:

22 49.35 (1) (b) All records of the department and all county records relating to
23 programs under this subchapter and ch. 48 and aid under s. 49.18, 1971 stats., s.
24 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,
25 shall be open to inspection at all reasonable hours by authorized representatives of

1 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county
2 records relating to the administration of the services and public assistance specified
3 in this paragraph shall be open to inspection at all reasonable hours by authorized
4 representatives of the department.

5 SECTION 571. 49.35 (2) of the statutes is amended to read:

6 49.35 (2) The county administration of all laws relating to programs under this
7 subchapter and ch. 48 shall be vested in the officers and agencies designated in the
8 statutes.

as affected by 2007 Wisconsin Act... = (this act)

auto ref 9

9 SECTION 572. 49.36 (2) of the statutes is amended to read:

10 49.36 (2) The department may contract with any county, tribal governing body,
11 or Wisconsin Works agency to administer a work experience and job training
12 program for parents who are not custodial parents and who fail to pay child support
13 or to meet their children's needs for support as a result of unemployment or
14 underemployment. The program may provide the kinds of work experience and job
15 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
16 (3) or (4). The program may also include job search and job orientation activities.

17 The department shall fund the program from the appropriations under s. 20.445 (3)
18 20.437 (2) (dz) and (k).

insert 163-18 auto ref 19 20

19 SECTION 573. 49.45 (6m) (br) 1. of the statutes is amended to read:

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

20 49.45 (6m) (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 (4) (bt) or (7) (b),
21 or ~~20.445 (3)~~ 20.437 (2) (dz), the department shall reduce allocations of funds to
22 counties in the amount of the disallowance from the appropriation account under s.
23 20.435 (4) (bt) or (7) (b), or the department shall direct the department of workforce
24 development children and families to reduce allocations of funds to counties or
25 Wisconsin works Works agencies in the amount of the disallowance from the

(Kop or (v) 5)

1 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (dz) or direct the department of
2 corrections to reduce allocations of funds to counties in the amount of the
3 disallowance from the appropriation account under s. 20.410 (3) (cd), in accordance
4 with s. 16.544 to the extent applicable.

(K0) or (r)

Insert 164-4

5 SECTION 574. 49.45 (40) of the statutes is amended to read:

6 49.45 (40) PERIODIC RECORD MATCHES. If the department contracts with the
7 department of ~~workforce development~~ children and families under s. 49.197 (5), the
8 department shall cooperate with the department of ~~workforce development~~ children
9 and families in matching records of medical assistance recipients under s. 49.32 (7).

Insert 164-9

10 SECTION 575. 49.48 (1m) of the statutes is amended to read:

11 49.48 (1m) If an individual who applies for or to renew a certification under
12 sub. (1) does not have a social security number, the individual, as a condition of
13 obtaining the certification, shall submit a statement made or subscribed under oath
14 or affirmation to the department that the applicant does not have a social security
15 number. The form of the statement shall be prescribed by the department of
16 ~~workforce development~~ children and families. A certification issued or renewed in
17 reliance upon a false statement submitted under this subsection is invalid.

18 SECTION 576. 49.48 (2) of the statutes is amended to read:

19 49.48 (2) The department of ~~health and family services~~ may not disclose any
20 information received under sub. (1) to any person except to the department of
21 ~~workforce development~~ children and families for the purpose of making
22 certifications required under s. 49.857.

23 SECTION 577. 49.48 (3) of the statutes is amended to read:

24 49.48 (3) The department of ~~health and family services~~ shall deny an
25 application for the issuance or renewal of a certification specified in sub. (1), shall

1 suspend a certification specified in sub. (1) or may, under a memorandum of
2 understanding under s. 49.857 (2), restrict a certification specified in sub. (1) if the
3 department of ~~workforce development~~ children and families certifies under s. 49.857
4 that the applicant for or holder of the certificate is delinquent in the payment of
5 court-ordered payments of child or family support, maintenance, birth expenses,
6 medical expenses or other expenses related to the support of a child or former spouse
7 or fails to comply, after appropriate notice, with a subpoena or warrant issued by the
8 department of ~~workforce development~~ children and families or a county child
9 support agency under s. 59.53 (5) and related to paternity or child support
10 proceedings.

11 **SECTION 578.** 49.775 (2) (bm) of the statutes is amended to read:

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

21 **SECTION 579.** 49.78 (4) of the statutes is amended to read:

22 49.78 (4) RULES; MERIT SYSTEM. The department of ~~workforce development~~
23 children and families shall promulgate rules for the efficient administration of aid
24 to families with dependent children in agreement with the requirement for federal
25 aid, including the establishment and maintenance of personnel standards on a merit

1 basis. The provisions of this section relating to personnel standards on a merit basis
2 supersede any inconsistent provisions of any law relating to county personnel. This
3 subsection shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

4 **SECTION 580.** 49.78 (5) of the statutes is amended to read:

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

13 **SECTION 581.** 49.78 (7) of the statutes is amended to read:

14 49.78 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under
15 sub. (4), the department of ~~workforce development~~ children and families where
16 requested by the county shall delegate to that county, without restriction because of
17 enumeration, any or all of the authority of the department of ~~workforce~~
18 ~~development's authority~~ children and families under sub. (4) to establish and
19 maintain personnel standards including salary levels.

20 **SECTION 582.** 49.79 (10) of the statutes is amended to read:

21 49.79 (10) CONTRACT FOR EMPLOYMENT AND TRAINING PROGRAM. The department
22 shall contract with the department of ~~workforce development~~ children and families
23 to administer the employment and training program under s. 49.13.

24 **SECTION 583.** 49.81 (intro.) of the statutes is amended to read:

1 **49.81 Public assistance recipients' bill of rights.** (intro.) The department
2 of health and family services, the department of ~~workforce development~~ children and
3 families, and all public assistance and relief-granting agencies shall respect rights
4 for recipients of public assistance. The rights shall include all rights guaranteed by
5 the U.S. constitution and the constitution of this state, and in addition shall include:

6 **SECTION 584.** 49.82 (1) of the statutes is amended to read:

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

17 **SECTION 585.** 49.83 of the statutes is amended to read:

18 **49.83 Limitation on giving information.** Except as provided under s. 49.32
19 (9), (10), and (10m), no person may use or disclose information concerning applicants
20 and recipients of relief funded by a relief block grant, aid to families with dependent
21 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and
22 spousal support and establishment of paternity and medical support liability
23 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not
24 connected with the administration of the programs, except that the department of
25 ~~workforce development~~ children and families may disclose such information to the

1 department of revenue for the sole purpose of administering state taxes. Any person
2 violating this section may be fined not less than \$25 nor more than \$500 or
3 imprisoned in the county jail not less than 10 days nor more than one year or both.

4 **SECTION 586.** 49.845 (1) of the statutes is amended to read:

5 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
6 (bn), (kz), (L), and (nn), the department of health and family services shall establish
7 a program to investigate suspected fraudulent activity on the part of recipients of
8 medical assistance under subch. IV, food stamp benefits under the food stamp
9 program under 7 USC 2011 to 2036, supplemental security income payments under
10 s. 49.77, payments for the support of children of supplemental security income
11 recipients under s. 49.775, and health care benefits under the Badger Care health
12 care program under s. 49.665 and, if the department of ~~workforce development~~
13 children and families contracts with the department of health and family services
14 under sub. (4), on the part of recipients of aid to families with dependent children
15 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to
16 49.161. The activities of the department of health and family services under this
17 subsection may include comparisons of information provided to the department by
18 an applicant and information provided by the applicant to other federal, state, and
19 local agencies, development of an advisory welfare investigation prosecution
20 standard, and provision of funds to county departments under ss. 46.215, 46.22, and
21 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The
22 department of health and family services shall cooperate with district attorneys
23 regarding fraud prosecutions.

24 **SECTION 587.** 49.845 (2) of the statutes is amended to read:

1 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and
2 family services shall conduct activities to reduce payment errors in the Medical
3 Assistance program under subch. IV, the food stamp program under 7 USC 2011 to
4 2036, the supplemental security income payments program under s. 49.77, the
5 program providing payments for the support of children of supplemental security
6 income recipients under s. 49.775, and the Badger Care health care program under
7 s. 49.665 and, if the department of ~~workforce development~~ children and families
8 contracts with the department of health and family services under sub. (4), in
9 Wisconsin Works under ss. 49.141 to 49.161.

10 **SECTION 588.** 49.845 (3) of the statutes is amended to read:

11 49.845 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of
12 ~~workforce development~~ children and families contracts with the department of
13 health and family services under sub. (4), the department of health and family
14 services shall provide funds from the appropriation under s. 20.435 (4) (kz) to
15 Wisconsin Works agencies to offset the administrative costs of reducing payment
16 errors in Wisconsin Works under ss. 49.141 to 49.161.

17 **SECTION 589.** 49.845 (4) of the statutes is amended to read:

18 49.845 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m)
19 and (3), the department of ~~workforce development~~ children and families may
20 contract with the department of health and family services to investigate suspected
21 fraudulent activity on the part of recipients of aid to families with dependent
22 children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to
23 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under
24 ss. 49.141 to 49.161, as provided in this section.

25 **SECTION 590.** 49.85 (1) of the statutes is amended to read:

1 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
2 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
3 Indian tribe or band determines that the department of health and family services
4 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department
5 of ~~workforce development~~ children and families may recover an amount under s.
6 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county
7 department or governing body shall notify the affected department of the
8 determination. If a Wisconsin Works agency determines that the department of
9 ~~workforce development~~ children and families may recover an amount under s. 49.161
10 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works
11 agency shall notify the department of ~~workforce development~~ children and families
12 of the determination.

13 **SECTION 591.** 49.85 (2) (b) of the statutes is amended to read:

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

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

1 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
2 department of ~~workforce development~~ children and families shall send a notice to the
3 last-known address of the person from whom that department intends to recover or
4 collect the amount. The notice shall do all of the following:

5 **SECTION 593.** 49.85 (3) (b) 1. of the statutes is amended to read:

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

12 **SECTION 594.** 49.85 (3) (b) 2. of the statutes is amended to read:

13 49.85 (3) (b) 2. Inform the person that he or she may appeal the determination
14 of the department of ~~workforce development~~ children and families to certify the
15 amount by requesting a hearing under sub. (4) within 30 days after the date of the
16 letter and inform the person of the manner in which he or she may request a hearing.

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

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

22 **SECTION 596.** 49.85 (3) (b) 4. of the statutes is amended to read:

23 49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is
24 requested to appeal the determination of the department of ~~workforce development~~
25 children and families, the person may be precluded from challenging any subsequent

1 setoff of the certified amount by the department of revenue, except on the grounds
2 that the certified amount has been partially or fully paid or otherwise discharged,
3 since the date of the notice.

4 **SECTION 597.** 49.85 (3) (b) 5. of the statutes is amended to read:

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

8 **SECTION 598.** 49.85 (4) (b) of the statutes is amended to read:

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

15 **SECTION 599.** 49.85 (5) of the statutes is amended to read:

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

1 **SECTION 600.** 49.852 (1) of the statutes is renumbered 49.852 (1m) and
2 amended to read:

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

13 **SECTION 601.** 49.852 (1c) of the statutes is created to read:

14 **49.852 (1c)** In this section, "department" means the department of children
15 and families.

16 **SECTION 602.** 49.852 (2) (intro.) of the statutes is amended to read:

17 **49.852 (2) (intro.)** The department of ~~workforce development~~ shall send a
18 notice to the last-known address of the person from whom the department intends
19 to recover the amount specified in the statewide support lien docket under s. 49.854
20 (2) (b). The notice shall do all of the following:

21 **SECTION 603.** 49.852 (2) (c) of the statutes is amended to read:

22 **49.852 (2) (c)** Request that the person inform the department of ~~workforce~~
23 ~~development~~ or the appropriate county child support agency under s. 59.53 (5) if a
24 bankruptcy stay is in effect with respect to the person.

25 **SECTION 604.** 49.852 (3) of the statutes is amended to read:

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

18 **SECTION 605.** 49.852 (4) (a) of the statutes is amended to read:

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

1 **SECTION 606.** 49.852 (4) (b) of the statutes is amended to read:

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

18 **SECTION 607.** 49.852 (4) (c) of the statutes is amended to read:

19 49.852 (4) (c) A directive to 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 to withhold
22 the amount specified in the statewide support lien docket under s. 49.854 (2) (b)
23 under this section does not prohibit the department of ~~workforce development~~ from
24 attempting to recover the amount through other legal means.

25 **SECTION 608.** 49.852 (4) (d) of the statutes is amended to read:

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

6 **SECTION 609.** 49.853 (1) (b) of the statutes is amended to read:

7 49.853 (1) (b) "Department" means the department of ~~workforce development~~
8 children and families.

9 **SECTION 610.** 49.854 (1) (a) of the statutes is amended to read:

10 49.854 (1) (a) "Department" means the department of ~~workforce development~~
11 children and families.

12 **SECTION 611.** 49.854 (11) (b) of the statutes is amended to read:

13 49.854 (11) (b) *The department.* The department may assess a collection fee
14 to recover the department's costs incurred in levying against property under this
15 section. The department shall determine its costs to be paid in all cases of levy. The
16 obligor is liable to the department for the amount of the collection fee authorized
17 under this paragraph. Fees collected under this paragraph shall be credited to the
18 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja).

19 **SECTION 612.** 49.855 (1) of the statutes is amended to read:

20 49.855 (1) If a person obligated to pay child support, family support,
21 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is
22 delinquent in making any of those payments, or owes an outstanding amount that
23 has been ordered by the court for past support, medical expenses, or birth expenses,
24 upon application under s. 59.53 (5) the department of ~~workforce development~~
25 children and families shall certify the delinquent payment or outstanding amount

1 to the department of revenue and, at least annually, shall provide to the department
2 of revenue any certifications of delinquencies or outstanding amounts that it receives
3 from another state because the obligor resides in this state.

4 **SECTION 613.** 49.855 (2r) of the statutes is created to read:

5 49.855 (2r) At least annually, the department of children and families shall
6 certify to the department of revenue any obligation owed to that department under
7 s. 49.345 if the obligation is rendered to a judgment.

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

9 49.855 (3) Receipt of a certification by the department of revenue shall
10 constitute a lien, equal to the amount certified, on any state tax refunds or credits
11 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
12 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
13 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
14 obligor that the state intends to reduce any state tax refund or credit due the obligor
15 by the amount the obligor is delinquent under the support, maintenance, or receiving
16 and disbursing fee order or obligation, by the outstanding amount for past support,
17 medical expenses, or birth expenses under the court order, or by the amount due
18 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20
19 days the obligor may request a hearing before the circuit court rendering the order
20 under which the obligation arose. Within 10 days after receiving a request for
21 hearing under this subsection, the court shall set the matter for hearing. Pending
22 further order by the court or a circuit court commissioner, the department of
23 ~~workforce development~~ children and families or its designee, whichever is
24 appropriate, is prohibited from disbursing the obligor's state tax refund or credit.
25 A circuit court commissioner may conduct the hearing. The sole issues at that

SECTION 614

1 hearing shall be whether the obligor owes the amount certified and, if not and it is
2 a support or maintenance order, whether the money withheld from a tax refund or
3 credit shall be paid to the obligor or held for future support or maintenance, except
4 that the obligor's ability to pay shall also be an issue at the hearing if the obligation
5 relates to an order under ~~s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. s. 767.89 (3) (e) 1. or~~
6 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that
7 the obligor's income was at or below the poverty line established under 42 USC 9902
8 (2).

9 **SECTION 615.** 49.855 (4) (a) of the statutes is amended to read:

10 49.855 (4) (a) The department of revenue shall send the portion of any state tax
11 refunds or credits withheld for delinquent child or family support or maintenance or
12 past support, medical expenses, or birth expenses to the department of ~~workforce~~
13 development children and families or its designee for deposit in the support
14 collections trust fund under s. 25.68 and shall send the portion of any state tax
15 refunds or credits withheld for delinquent receiving and disbursing fees to the
16 department of ~~workforce development~~ children and families or its designee for
17 deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja). The
18 department of ~~workforce development~~ children and families shall make a settlement
19 at least annually with the department of revenue. The settlement shall state the
20 amounts certified, the amounts deducted from tax refunds and credits, and the
21 administrative costs incurred by the department of revenue.

22 **SECTION 616.** 49.855 (4) (b) of the statutes is amended to read:

23 49.855 (4) (b) The department of administration shall send the portion of any
24 federal tax refunds or credits received from the internal revenue service that was
25 withheld for delinquent child or family support or maintenance or past support,

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

8 **SECTION 617.** 49.855 (4m) (b) of the statutes is amended to read:

9 49.855 (4m) (b) The department of revenue may provide a certification that it
10 receives under sub. (1), (2m), ~~or (2p)~~, or (2r) to the department of administration.
11 Upon receipt of the certification, the department of administration shall determine
12 whether the obligor is a vendor or is receiving any other payments from this state,
13 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
14 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
15 determines that the obligor is a vendor or is receiving payments from this state,
16 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
17 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
18 certified from those payments and shall notify the obligor that the state intends to
19 reduce any payments due the obligor by the amount the obligor is delinquent under
20 the support, maintenance, or receiving and disbursing fee order or obligation, by the
21 outstanding amount for past support, medical expenses, or birth expenses under the
22 court order, or by the amount due under s. 46.10 (4), ~~49.345 (4)~~, or 301.12 (4). The
23 notice shall provide that within 20 days after receipt of the notice the obligor may
24 request a hearing before the circuit court rendering the order under which the
25 obligation arose. An obligor may, within 20 days after receiving notice, request a

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

14 **SECTION 618.** 49.855 (4m) (c) of the statutes is amended to read:

15 49.855 (4m) (c) Except as provided by order of the court after hearing under
16 par. (b), the department of administration shall continue withholding until the
17 amount certified is recovered in full. The department of administration shall
18 transfer the amounts withheld under this paragraph to the department of ~~workforce~~
19 ~~development~~ children and families or its designee, the department of health and
20 family services, or the department of corrections, whichever is appropriate. The
21 department of ~~workforce development~~ children and families or its designee shall
22 deposit amounts withheld for delinquent child or family support, maintenance, or
23 receiving and disbursing fees or past support, medical expenses, or birth expenses
24 in the appropriation account under ~~s. 20.445 (3)~~ 20.437 (2) (kp).

25 **SECTION 619.** 49.855 (5) of the statutes is amended to read:

1 49.855 (5) Certification of an obligation to the department of revenue does not
2 deprive any party of the right to collect the obligation or to prosecute the obligor. The
3 department of ~~workforce development~~ children and families or its designee shall
4 immediately notify the department of revenue of any collection of an obligation that
5 has been certified to the department of revenue.

6 **SECTION 620.** 49.856 (1) (b) of the statutes is amended to read:

7 49.856 (1) (b) "Department" means the department of ~~workforce development~~
8 children and families.

9 **SECTION 621.** 49.857 (1) (cf) of the statutes is created to read:

10 49.857 (1) (cf) "Department" means the department of children and families.

11 **SECTION 622.** 49.857 (1) (f) of the statutes is amended to read:

12 49.857 (1) (f) "Subpoena or warrant" means a subpoena or warrant issued by
13 the department of ~~workforce development~~ or a child support agency and relating to
14 paternity or support proceedings.

15 **SECTION 623.** 49.857 (2) (a) of the statutes is amended to read:

16 49.857 (2) (a) The department of ~~workforce development~~ shall establish a
17 system, in accordance with federal law, under which a licensing authority is
18 requested, and a licensing agency or credentialing board is required, to restrict,
19 limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or
20 revalidate a license in a timely manner upon certification by and in cooperation with
21 the department of ~~workforce development~~, if the individual holding or applying for
22 the license is delinquent in making court-ordered payments of support or fails to
23 comply, after appropriate notice, with a subpoena or warrant.

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

1 49.857 (2) (b) (intro.) Under the system, the department of ~~workforce~~
2 ~~development~~ shall enter into a memorandum of understanding with a licensing
3 authority, if the licensing authority agrees, and with a licensing agency. A
4 memorandum of understanding under this paragraph shall address at least all of the
5 following:

6 **SECTION 625.** 49.857 (2) (b) 2. (intro.) of the statutes is amended to read:

7 49.857 (2) (b) 2. (intro.) Procedures that the department of ~~workforce~~
8 ~~development~~ shall use for doing all of the following:

9 **SECTION 626.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

10 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
11 delinquency in support or a failure to comply with a subpoena or warrant. The
12 memorandum of understanding with the department of regulation and licensing
13 shall include procedures for the department of regulation and licensing to notify a
14 credentialing board that a certification of delinquency in support or failure to comply
15 with a subpoena or warrant has been made by the department of ~~workforce~~
16 ~~development~~ children and families with respect to an individual who holds or applied
17 for a credential granted by the credentialing board.

18 **SECTION 627.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

19 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of
20 ~~workforce development~~ children and families notifies the licensing authority or
21 licensing agency that an individual who was delinquent in making court-ordered
22 payments of support has paid the delinquent support or made satisfactory
23 alternative payment arrangements or that an individual who failed to comply with
24 a subpoena or warrant has satisfied the requirements under the subpoena or
25 warrant. The memorandum of understanding with the department of regulation

1 and licensing shall include procedures for the department of regulation and licensing
2 to direct a credentialing board to grant or reinstate a credential if the department
3 of ~~workforce development~~ children and families notifies the department of
4 regulation and licensing that an individual who holds or applied for a credential
5 granted by the credentialing board has paid the delinquent support or made
6 satisfactory alternative payment arrangements or that an individual who failed to
7 comply with a subpoena or warrant has satisfied the requirements under the
8 subpoena or warrant.

9 **SECTION 628.** 49.857 (2) (b) 5. of the statutes is amended to read:

10 49.857 (2) (b) 5. Procedures for safeguarding the confidentiality of information
11 about an individual, including social security numbers obtained by the department
12 of ~~workforce development~~, the licensing authority, the licensing agency, or a
13 credentialing board.

14 **SECTION 629.** 49.857 (3) (a) (intro.) of the statutes is amended to read:

15 49.857 (3) (a) (intro.) Before the department of ~~workforce development~~ certifies
16 to a licensing authority or a licensing agency under the system established under
17 sub. (2) that an individual is delinquent in making court-ordered payments of
18 support, the department of ~~workforce development~~ or a child support agency shall
19 provide notice to the individual by regular mail. The notice shall inform the
20 individual of all of the following:

21 **SECTION 630.** 49.857 (3) (a) 4. of the statutes is amended to read:

22 49.857 (3) (a) 4. That the certification will not be made if the individual pays
23 the delinquent amount in full or makes satisfactory alternative payment
24 arrangements with the department of ~~workforce development~~ or a child support

1 agency. The notice shall inform the individual of how he or she may pay the
2 delinquent amount or make satisfactory alternative payment arrangements.

3 **SECTION 631.** 49.857 (3) (ac) 1. of the statutes is amended to read:

4 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,
5 the court shall schedule a hearing within 10 business days after receiving the
6 request. A circuit court commissioner may conduct the hearing. The only issues at
7 the hearing shall be whether the individual is delinquent in making court-ordered
8 payments of support and whether any alternative payment arrangement offered by
9 the department of ~~workforce development~~ or the county child support agency is
10 reasonable.

11 **SECTION 632.** 49.857 (3) (ac) 2. of the statutes is amended to read:

12 49.857 (3) (ac) 2. If at a hearing under subd. 1. the court or circuit court
13 commissioner finds that the individual does not owe delinquent support, or if within
14 20 business days after receiving a notice under par. (a) the individual pays the
15 delinquent amount in full or makes satisfactory alternative payment arrangements,
16 the department of ~~workforce development~~ may not place the individual's name on a
17 certification list.

18 **SECTION 633.** 49.857 (3) (ac) 3. of the statutes is amended to read:

19 49.857 (3) (ac) 3. If at a hearing under subd. 1. the court or circuit court
20 commissioner makes a written determination that alternative payment
21 arrangements proposed by the department of ~~workforce development~~ or a child
22 support agency are not reasonable, the court or circuit court commissioner may order
23 for the individual an alternative payment arrangement. If the court or circuit court
24 commissioner orders an alternative payment arrangement, the department of
25 ~~workforce development~~ may not place the individual's name on a certification list.