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1 SECTION 391. 46.995 (3) of the statutes is renumbered 48.487 (3).

2 SECTION 392. 46.995 (4m) of the statutes is renumbered 48.487 (4m).

3 SECTION 393. 46.997 (title) of the statutes is renumbered 48.647 (title).

4 SECTION 394. 46.997 (1) of the statutes is renumbered 48.647 (1).

5 SECTION 395. 46.997 (2) (title) of the statutes is renumbered 48.647 (2) (title).

6 SECTION 396. 46.997 (2) (a) of the statutes is renumbered 48.647 (2) (a) and
7 amended to read:

8 48.647 (2) (a) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (f), the
9 department shall distribute not more than \$0 in each fiscal year as grants to private
10 agencies to provide 2nd-chance homes and related services to eligible persons who
11 are placed under s. 48.63 (5) in 2nd-chance homes operated by those private
12 agencies. A private agency that is awarded a grant under this paragraph may use
13 the amount awarded under the grant to provide care and maintenance to eligible
14 persons who are placed under s. 48.63 (5) in a 2nd-chance home operated by the
15 private agency; provide services, including the services specified in sub. (3), to
16 eligible persons who currently are or formerly were placed under s. 48.63 (5) in the
17 2nd-chance home, to the children and families of those eligible persons, and to the
18 noncustodial parents of the children of those eligible persons; and, in the first year
19 of the grant period, pay for the start-up costs, other than capital costs, of the private
20 agency's program funded under this paragraph.

21 SECTION 397. 46.997 (2) (b) of the statutes is renumbered 48.647 (2) (b) and
22 amended to read:

23 48.647 (2) (b) The department of ~~health and family services~~ shall award the
24 grants under par. (a) on a competitive basis and according to request-for-proposal
25 procedures that the department of ~~health and family services~~ shall prescribe in

1 consultation with the ~~department of workforce development~~, local health
2 departments, as defined in s. 250.01 (4), and other providers of services to eligible
3 persons. Those request-for-proposal procedures shall include a requirement that
4 a private agency that applies for a grant under par. (a) include in its grant application
5 proof that the private agency has the cultural competency to provide services under
6 the grant to persons and families in the various cultures in the private agency's
7 target population and that cultural competency is incorporated in the private
8 agency's policies, administration, and practices. In awarding the grants under par.
9 (a), the ~~department of health and family services~~ shall consider the need for those
10 grants to be distributed both on a statewide basis and in the areas of the state with
11 the greatest need for 2nd-chance homes and the need to provide placements for
12 children who are voluntarily placed in a 2nd-chance home as well as for children who
13 are placed in a 2nd-chance home by court order.

14 **SECTION 398.** 46.997 (2) (c) of the statutes is renumbered 48.647 (2) (c).

15 **SECTION 399.** 46.997 (2) (d) of the statutes is renumbered 48.647 (2) (d).

16 **SECTION 400.** 46.997 (2) (e) of the statutes is renumbered 48.647 (2) (e).

17 **SECTION 401.** 46.997 (3) of the statutes is renumbered 48.647 (3).

18 **SECTION 402.** 46.997 (4) of the statutes is renumbered 48.647 (4) and amended
19 to read:

20 48.647 (4) EVALUATION. From the appropriation under s. ~~20.435 (3)~~ 20.437 (1)
21 (f), the department shall conduct or shall select an evaluator to conduct an evaluation
22 of the grant program under this section and, by June 1 of the 3rd calendar year
23 beginning after the year in which the first grant under this section is awarded, shall
24 submit a report on that evaluation to the governor and to the appropriate standing
25 committees under s. 13.172 (3). The evaluation shall measure the economic

1 self-sufficiency, parenting skills, independent living skills, and life choice
2 decision-making skills of the eligible persons who received services under the
3 program and any other criteria that the department determines to be appropriate for
4 evaluation.

5 **SECTION 403.** 48.01 (1) (h) of the statutes is created to read:

6 48.01 (1) (h) To provide a just and humane program of services to nonmarital
7 children, children and unborn children in need of protection or services, and the
8 expectant mothers of those unborn children; to avoid duplication and waste of effort
9 and money on the part of public and private agencies; and to coordinate and integrate
10 a program of services to children and families.

11 **SECTION 404.** 48.02 (4) of the statutes is amended to read:

12 48.02 (4) "Department" means the department of health and family services
13 children and families.

14 **SECTION 405.** 48.02 (16) of the statutes is created to read:

15 48.02 (16) "Secretary" means the secretary of children and families.

16 **SECTION 406.** 48.06 (4) of the statutes is amended to read:

17 48.06 (4) STATE AID. State aid to any county for court services under this section
18 shall be at the same net effective rate that each county is reimbursed for county
19 administration under s. ~~46.495~~ 48.569. Counties having a population of less than
20 500,000 may use funds received under s. ~~46.495~~ 48.569 (1) (d), including county or
21 federal revenue sharing funds allocated to match funds received under s. ~~46.495~~
22 48.569 (1) (d), for the cost of providing court attached intake services in amounts not
23 to exceed 50% of the cost of providing court attached intake services or \$30,000 per
24 county per calendar year, whichever is less.

25 **SECTION 407.** 48.275 (2) (d) 2. of the statutes is amended to read:

1 48.275 (2) (d) 2. In a county having a population of 500,000 or more,
2 reimbursement payments shall be made to the clerk of courts of the county where the
3 proceedings took place. Each payment shall be transmitted to the secretary of
4 administration, who shall deposit the amount paid in the general fund and credit
5 25% of the amount paid to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1)
6 (gx) and the remainder to the appropriation account under s. 20.550 (1) (L).

7 **SECTION 408.** 48.30 (6) (b) of the statutes is amended to read:

8 48.30 (6) (b) If it appears to the court that disposition of the case may include
9 placement of the child outside the child's home, the court shall order the child's
10 parent to provide a statement of income, assets, debts, and living expenses to the
11 court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled
12 date of the dispositional hearing or as otherwise ordered by the court. The clerk of
13 court shall provide, without charge, to any parent ordered to provide a statement of
14 income, assets, debts, and living expenses a document setting forth the percentage
15 standard established by the department of ~~workforce development~~ under s. 49.22 (9)
16 and the manner of its application established by the department of ~~health and family~~
17 ~~services~~ under s. ~~46.247~~ 49.345 (14) (g) and listing the factors that a court may
18 consider under s. ~~46.10~~ 49.345 (14) (c).

19 **SECTION 409.** 48.31 (7) (b) of the statutes is amended to read:

20 48.31 (7) (b) If it appears to the court that disposition of the case may include
21 placement of the child outside the child's home, the court shall order the child's
22 parent to provide a statement of income, assets, debts, and living expenses to the
23 court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled
24 date of the dispositional hearing or as otherwise ordered by the court. The clerk of
25 court shall provide, without charge, to any parent ordered to provide a statement of

1 income, assets, debts, and living expenses a document setting forth the percentage
2 standard established by the department of ~~workforce development~~ under s. 49.22 (9)
3 and the manner of its application established by the department of ~~health and family~~
4 ~~services~~ under s. ~~46.247~~ 49.345 (14) (g) and listing the factors that a court may
5 consider under s. ~~46.10~~ 49.345 (14) (c).

6 **SECTION 410.** 48.33 (4m) (intro.) of the statutes is amended to read:

7 **48.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS.** (intro.) In
8 making a recommendation for an amount of child support under sub. (4), the agency
9 shall consider the factors that the court considers under s. ~~46.10~~ 49.345 (14) (c) for
10 deviation from the percentage standard. Prior to the dispositional hearing under s.
11 48.335, the agency shall provide the child's parent with all of the following:

12 **SECTION 411.** 48.33 (4m) (b) of the statutes is amended to read:

13 **48.33 (4m) (b)** A written explanation of how the parent may request that the
14 court modify the amount of child support under s. ~~46.10~~ 49.345 (14) (c).

15 **SECTION 412.** 48.357 (5m) (a) of the statutes is amended to read:

16 **48.357 (5m) (a)** If a proposed change in placement changes a child's placement
17 from a placement in the child's home to a placement outside the child's home, the
18 court shall order the child's parent to provide a statement of income, assets, debts
19 and living expenses to the court or the person or agency primarily responsible for
20 implementing the dispositional order by a date specified by the court. The clerk of
21 court shall provide, without charge, to any parent ordered to provide a statement of
22 income, assets, debts, and living expenses a document setting forth the percentage
23 standard established by the department of ~~workforce development~~ under s. 49.22 (9)
24 and the manner of its application established by the department of ~~health and family~~
25 ~~services~~ under s. ~~46.247~~ 49.345 (14) (g) and listing the factors that a court may

1 consider under s. ~~46.10~~ 49.345 (14) (c). If the child is placed outside the child's home,
2 the court shall determine the liability of the parent in the manner provided in s. ~~46.10~~
3 49.345 (14).

4 **SECTION 413.** 48.36 (1) (a) of the statutes is amended to read:

5 48.36 (1) (a) If legal custody is transferred from the parent or guardian or the
6 court otherwise designates an alternative placement for the child by a disposition
7 made under s. 48.345 or by a change in placement under s. 48.357, the duty of the
8 parent or guardian or, in the case of a transfer of guardianship and custody under
9 s. 48.839 (4), the duty of the former guardian to provide support shall continue even
10 though the legal custodian or the placement designee may provide the support. A
11 copy of the order transferring custody or designating alternative placement for the
12 child shall be submitted to the agency or person receiving custody or placement and
13 the agency or person may apply to the court for an order to compel the parent or
14 guardian to provide the support. Support payments for residential services, when
15 purchased or otherwise funded or provided by the department or a county
16 department under s. ~~46.22, 46.23, 51.42 or 51.437~~, shall be determined under s. ~~46.10~~
17 49.345 (14). Support payments for residential services, when purchased or otherwise
18 funded by the department of health and family services or a county department
19 under s. 51.42 or 51.437, shall be determined under s. 46.10 (14).

20 **SECTION 414.** 48.36 (1) (b) of the statutes is amended to read:

21 48.36 (1) (b) In determining the amount of support under par. (a), the court may
22 consider all relevant financial information or other information relevant to the
23 parent's earning capacity, including information reported under s. 49.22 (2m) to the
24 department of ~~workforce development~~ or the county child support agency under s.
25 59.53 (5). If the court has insufficient information with which to determine the

1 amount of support, the court shall order the child's parent to furnish a statement of
2 income, assets, debts, and living expenses, if the parent has not already done so, to
3 the court within 10 days after the court's order transferring custody or designating
4 an alternative placement is entered or at such other time as ordered by the court.

5 **SECTION 415.** 48.36 (2) of the statutes is amended to read:

6 48.36 (2) If an expectant mother or a child whose legal custody has not been
7 taken from a parent or guardian is given educational and social services, or medical,
8 psychological or psychiatric treatment by order of the court, the cost of those services
9 or that treatment, if ordered by the court, shall be a charge upon the county in a
10 county having a population of less than 500,000 or the department in a county having
11 a population of 500,000 or more. This section does not prevent recovery of reasonable
12 contribution toward the costs from the parent or guardian of the child or from an
13 adult expectant mother as the court may order based on the ability of the parent,
14 guardian or adult expectant mother to pay. This subsection shall be subject to s.
15 ~~46.03 (18)~~ 49.32 (1).

16 **SECTION 416.** 48.361 (2) (c) of the statutes is amended to read:

17 48.361 (2) (c) Payment for alcohol and other drug abuse services by a county
18 department under this section does not prohibit the county department from
19 contracting with another county department or approved treatment facility for the
20 provision of alcohol and other drug abuse services. Payment by the county under this
21 section does not prevent recovery of reasonable contribution toward the costs of the
22 court-ordered alcohol and other drug abuse services from the parent or adult
23 expectant mother which is based upon the ability of the parent or adult expectant
24 mother to pay. This subsection is subject to s. ~~46.03 (18)~~ 49.32 (1).

25 **SECTION 417.** 48.362 (4) (c) of the statutes is amended to read:

1 48.362 (4) (c) A county department that pays for court-ordered special
2 treatment or care under par. (a) may recover from the parent or adult expectant
3 mother, based on the ability of the parent or adult expectant mother to pay, a
4 reasonable contribution toward the costs of the court-ordered special treatment or
5 care. This paragraph is subject to s. ~~46.03 (18)~~ 49.32 (1).

6 **SECTION 418.** 48.363 (1) (c) of the statutes is amended to read:

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

18 **SECTION 419.** 48.363 (2) of the statutes is amended to read:

19 48.363 (2) If the court revises a dispositional order with respect to the amount
20 of child support to be paid by a parent for the care and maintenance of the parent's
21 minor child who has been placed by a court order under this chapter in a residential,
22 nonmedical facility, the court shall determine the liability of the parent in the
23 manner provided in s. ~~46.10~~ 49.345 (14).

24 **SECTION 420.** Subchapter XI (title) of chapter 48 [precedes 48.47] of the
25 statutes is amended to read:

CHAPTER 48**SUBCHAPTER XI****DUTIES AND AUTHORITY OF DEPARTMENT**

SECTION 421. 48.47 (intro.) of the statutes is created to read:

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

SECTION 422. 48.47 (3) of the statutes is created to read:

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

SECTION 423. 48.47 (4) of the statutes is created to read:

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

SECTION 424. 48.47 (7) (title) of the statutes is created to read:

48.47 (7) (title) CHILDREN AND YOUTH.

SECTION 425. 48.48 (2b) of the statutes is created to read:

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

SECTION 426. 48.48 (4) of the statutes is created to read:

48.48 (4) In order to discharge more effectively its responsibilities under this chapter and other relevant provisions of the statutes, to study causes and methods of prevention and treatment of problems among children and families and related social problems. The department may utilize all powers provided by the statutes,

1 including the authority to accept grants of money or property from federal, state, or
2 private sources, and enlist the cooperation of other appropriate agencies and state
3 departments.

4 **SECTION 427.** 48.48 (12) (a) of the statutes is amended to read:

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

10 **SECTION 428.** 48.48 (17) (am) of the statutes is created to read:

11 48.48 (17) (am) The requirement of statewide uniformity with respect to the
12 organization and governance of human services does not apply to the administration
13 of child welfare services under par. (a).

14 **SECTION 429.** 48.48 (17) (c) (intro.) of the statutes is amended to read:

15 48.48 (17) (c) (intro.) From the appropriations under s. ~~20.435 (3)~~ 20.437 (1)
16 (cx), (gx), (kw), and (mx), the department may provide funding for the maintenance
17 of any child who meets all of the following criteria:

18 **SECTION 430.** 48.48 (17) (c) 3. of the statutes is amended to read:

19 48.48 (17) (c) 3. Received funding under s. 20.437 (1) (cx) or 48.569 (1) (d) or
20 under s. 20.435 (3) (cx), 2005 stats., or 46.495 (1) (d), 2005 stats., immediately prior
21 to his or her 18th birthday.

22 **SECTION 431.** 48.48 (17) (d) of the statutes is amended to read:

23 48.48 (17) (d) The funding provided for the maintenance of a child under par.
24 (c) shall be in an amount equal to that which the child would receive under s. ~~20.435~~

1 ~~(3)~~ 20.437 (1) (cx), (gx), (kw), and (mx) or ~~46.495~~ 48.569 (1) (d) if the child were 17
2 years of age.

3 **SECTION 432.** 48.48 (18) of the statutes is created to read:

4 48.48 **(18)** To contract with public or voluntary agencies or others for the
5 following purposes:

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

9 (b) To purchase or provide in full or in part the care and services that county
10 agencies may provide or purchase under any statute and to sell to county agencies
11 such portions of that care and those services as the county agency may desire to
12 purchase.

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

15 **SECTION 433.** 48.543 (1) of the statutes, as created by 2007 Wisconsin Act
16 (this act), is amended to read:

17 48.543 **(1)** From the appropriation account under s. ~~20.435~~ 20.437 (1) (ky),
18 the department shall distribute \$250,000 in each fiscal year in Milwaukee County
19 to organizations that provide gender-responsive alcohol and other drug abuse
20 treatment, case management, child and family services, and educational services to
21 drug dependent women with children.

 ***NOTE: This is reconciled s. 48.543 (1). This SECTION has been affected by drafts
with the following LRB numbers: -1261 and -1508.

22 **SECTION 434.** 48.543 (2) of the statutes, as created by 2007 Wisconsin Act
23 (this act), is amended to read:

1 48.543 (2) From the appropriation account under s. ~~20.435~~ 20.437 (1) (kz), the
2 department shall distribute \$500,000 in each fiscal year for comprehensive early
3 childhood initiatives in Dane County that provide home visiting and employment
4 preparation and support for low-income families.

 ***NOTE: This is reconciled s. 48.543 (2). This SECTION has been affected by drafts
with the following LRB numbers: -1261 and -1508.

5 **SECTION 435.** 48.547 (2) of the statutes is amended to read:

6 48.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding
7 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the program, the department
8 shall select counties to participate in the program. Unless a county department of
9 human services has been established under s. 46.23 in the county that is seeking to
10 implement a program, the application submitted to the department shall be a joint
11 application by the county department that provides social services and the county
12 department established under s. 51.42 or 51.437. The department shall select
13 counties in accordance with the request for proposal procedures established by the
14 department. The department shall give a preference to county applications that
15 include a plan for case management.

16 **SECTION 436.** 48.55 (1) of the statutes is amended to read:

17 48.55 (1) The department shall establish a state adoption information
18 exchange for the purpose of finding adoptive homes for children with special needs
19 who do not have permanent homes and a state adoption center for the purposes of
20 increasing public knowledge of adoption and promoting to adolescents and pregnant
21 women the availability of adoption services. From the appropriation under s. ~~20.435~~
22 ~~(3)~~ 20.437 (1) (dg), the department may provide ~~not more than \$163,700 in fiscal year~~
23 ~~2001-02 and not more than \$171,300 in each fiscal year thereafter~~ as grants to

1 individuals and private agencies to provide adoption information exchange services
2 and to operate the state adoption center.

3 **SECTION 437.** 48.561 (3) (a) 1. of the statutes is amended to read:

4 48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the amount amounts
5 distributed to that county under ~~s. ss. 46.40 (2) and 48.563 (2)~~ in each state fiscal year.

6 **SECTION 438.** 48.561 (3) (b) of the statutes is amended to read:

7 48.561 (3) (b) The department of administration shall collect the amount
8 specified in par. (a) 3. from a county having a population of 500,000 or more by
9 deducting all or part of that amount from any state payment due that county under
10 s. 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration shall
11 notify the department of revenue, by September 15 of each year, of the amount to be
12 deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or 79.08.
13 The department of administration shall credit all amounts collected under this
14 paragraph to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (kw) and shall
15 notify the county from which those amounts are collected of that collection. The
16 department may not expend any moneys from the appropriation account under s.
17 ~~20.435 (3)~~ 20.437 (1) (cx) for providing services to children and families under s. 48.48
18 (17) until the amounts in the appropriation account under s. ~~20.435 (3)~~ 20.437 (1)
19 (kw) are exhausted.

20 **SECTION 439.** 48.563 of the statutes is created to read:

21 **48.563 Children and family aids funding. (1) DISTRIBUTION LIMITS.** (a)
22 Within the limits of available federal funds and of the appropriations under s. 20.437
23 (1) (b) and (o), the department shall distribute funds for children and family services
24 to county departments as provided in subs. (2), (3), and (7m) and s. 48.986.

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

6 (2) BASIC COUNTY ALLOCATION. For children and family services under s. 48.569
7 (1) (d), the department shall distribute not more than \$67,265,000 in each fiscal year.

8 **SECTION 440.** 48.565 of the statutes is created to read:

9 **48.565 Carry-over of children and family aids funds.** Funds allocated by
10 the department under s. 48.569 (1) (d) but not spent or encumbered by counties,
11 governing bodies of federally recognized American Indian tribes, or private nonprofit
12 organizations by December 31 of each year and funds recovered under s. 48.569 (2)
13 (b) and deposited into the appropriation account under s. 20.437 (1) (b) lapse to the
14 general fund on the succeeding January 1 unless carried forward to the next calendar
15 year under s. 20.437 (1) (b) or as follows:

16 (3) At the request of a county, tribal governing body, or private nonprofit
17 organization, the department shall carry forward up to 3 percent of the total amount
18 allocated to the county, tribal governing body, or nonprofit organization for a
19 calendar year. All funds carried forward for a tribal governing body or nonprofit
20 organization and all federal child welfare funds under 42 USC 620 to 626 carried
21 forward for a county shall be used for the purpose for which the funds were originally
22 allocated. Other funds carried forward under this subsection may be used for any
23 purpose under s. 20.437 (1) (b), except that a county may not use any funds carried
24 forward under this subsection for administrative or staff costs. An allocation of

1 carried-forward funding under this subsection does not affect a county's base
2 allocation under s. 48.563 (2).

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

8 **SECTION 441.** 48.567 of the statutes is created to read:

9 **48.567 Expenditure of income augmentation services receipts. (1)**

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

16 (2) If the department proposes to use any moneys from the appropriation
17 account under s. 20.437 (3) (mp) for any purpose other than the purposes specified
18 in subs. (1) and (1m), the department shall submit a plan for the proposed use of those
19 moneys to the secretary of administration by September 1 of the fiscal year after the
20 fiscal year in which those moneys were received. If the secretary of administration
21 approves the plan, he or she shall submit the plan to the joint committee on finance
22 by October 1 of the fiscal year after the fiscal year in which those moneys were
23 received. If the cochairpersons of the committee do not notify the secretary of
24 administration within 14 working days after the date of submittal of the plan that
25 the committee has scheduled a meeting for the purpose of reviewing the plan, the

1 department may implement the plan. If within 14 working days after the date of the
2 submittal by the secretary of administration the cochairpersons of the committee
3 notify him or her that the committee has scheduled a meeting for the purpose of
4 reviewing the plan, the department may implement the plan only with the approval
5 of the committee.

6 **SECTION 442.** 48.568 of the statutes is created to read:

7 **48.568 Allocation of federal funds for children and family aids and**
8 **child welfare.** Subject to s. 48.563 (1) (b) and (c), if the department receives
9 unanticipated federal foster care and adoption assistance payments under 42 USC
10 670 to 679a and it proposes to allocate the unanticipated funds so that an allocation
11 limit in s. 48.563 is exceeded, the department shall submit a plan for the proposed
12 allocation to the secretary of administration. If the secretary of administration
13 approves the plan, he or she shall submit it to the joint committee on finance. If the
14 cochairpersons of the committee do not notify the secretary of administration that
15 the committee has scheduled a meeting for the purpose of reviewing the plan within
16 14 working days after the date of his or her submittal, the department may
17 implement the plan, notwithstanding any allocation limits under s. 48.563. If within
18 14 working days after the date of the submittal by the secretary of administration
19 the cochairpersons of the committee notify him or her that the committee has
20 scheduled a meeting for the purpose of reviewing the plan, the department may
21 implement the plan, notwithstanding s. 48.563, only with the approval of the
22 committee.

23 **SECTION 443.** 48.569 of the statutes is created to read:

24 **48.569 Distribution of children and family aids funds to counties. (1)**
25 (am) The department shall reimburse each county from the appropriations under

1 s. 20.437 (1) (b) and (o) for children and family services as approved by the
2 department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

3 (d) From the appropriations under s. 20.437 (1) (b) and (o), the department shall
4 distribute the funding for children and family services, including funding for foster
5 care, treatment foster care, or subsidized guardianship care of a child on whose
6 behalf aid is received under s. 48.645 to county departments as provided under s.
7 48.563. County matching funds are required for the distribution under s. 48.563 (2).
8 Each county's required match for the distribution under s. 48.563 (2) shall be
9 specified in a schedule established annually by the department. Matching funds
10 may be from county tax levies, federal and state revenue sharing funds, or private
11 donations to the county that meet the requirements specified in sub. (1m). Private
12 donations may not exceed 25 percent of the total county match. If the county match
13 is less than the amount required to generate the full amount of state and federal
14 funds distributed for this period, the decrease in the amount of state and federal
15 funds equals the difference between the required and the actual amount of county
16 matching funds.

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

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

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

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

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

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

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

13 **(2)** (a) The county treasurer and each director of a county department shall
14 monthly certify under oath to the department, in the manner the department
15 prescribes, the claim of the county for state reimbursement under this section, and
16 if the department approves the claim it shall certify to the department of
17 administration for reimbursement to the county for amounts due under this section
18 and payment claimed to be made to the counties monthly. The department may make
19 advance payments prior to the beginning of each month equal to one-twelfth of the
20 contracted amount.

21 (b) To facilitate prompt reimbursement, the certificate of the department may
22 be based on the certified statements of the county officers filed under par. (a). Funds
23 recovered from audit adjustments from a prior fiscal year may be included in
24 subsequent certifications only to pay counties owed funds as a result of any audit
25 adjustment. By September 30 of each year the department shall submit a report to

1 the appropriate standing committees under s. 13.172 (3) on funds recovered and paid
2 out during the previous calendar year as a result of audit adjustments.

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

4 48.57 (1) (g) Upon request of the department of health and family services or
5 the department of corrections, to provide service for any child or expectant mother
6 of an unborn child in the care of those departments.

7 **SECTION 445.** 48.57 (3) (a) 3. (intro.) of the statutes is amended to read:

8 48.57 (3) (a) 3. (intro.) Received funding under s. 48.569 (1) (d) or under s.
9 46.495 (1) (d), 2005 stats., immediately prior to his or her 18th birthday; and

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

11 48.57 (3) (b) The funding provided for the maintenance of a child under par. (a)
12 shall be in an amount equal to that which the child would receive under s. 46.495
13 48.569 (1) (d) if the child were 17 years of age.

14 **SECTION 447.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

15 48.57 (3m) (am) (intro.) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1)
16 (kc), the department shall reimburse counties having populations of less than
17 500,000 for payments made under this subsection and shall make payments under
18 this subsection in a county having a population of 500,000 or more. A county
19 department and, in a county having a population of 500,000 or more, the department
20 shall make payments in the amount of \$215 per month to a kinship care relative who
21 is providing care and maintenance for a child if all of the following conditions are met:

22 **SECTION 448.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

23 48.57 (3n) (am) (intro.) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1)
24 (kc), the department shall reimburse counties having populations of less than
25 500,000 for payments made under this subsection and shall make payments under

1 this subsection in a county having a population of 500,000 or more. A county
2 department and, in a county having a population of 500,000 or more, the department
3 shall make monthly payments for each child in the amount specified in sub. (3m)
4 (am) (intro.) to a long-term kinship care relative who is providing care and
5 maintenance for that child if all of the following conditions are met:

6 **SECTION 449.** 48.57 (3p) (b) 1. of the statutes is amended to read:

7 48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)
8 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
9 population of 500,000 or more, the department of health and family services, with
10 the assistance of the department of justice, shall conduct a background investigation
11 of the applicant.

12 **SECTION 450.** 48.57 (3p) (b) 2. of the statutes is amended to read:

13 48.57 (3p) (b) 2. The county department or, in a county having a population of
14 500,000 or more, the department of health and family services, with the assistance
15 of the department of justice, may conduct a background investigation of any person
16 who is receiving payments under sub. (3m) at the time of review under sub. (3m) (d)
17 or at any other time that the county department or department of health and family
18 services considers to be appropriate.

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

20 48.57 (3p) (b) 3. 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. (3n) or s. 48.62 (5) (a) or (b) at any time that
24 the county department or department of health and family services considers to be
25 appropriate.

1 **SECTION 452.** 48.57 (3p) (c) 1. of the statutes is amended to read:

2 48.57 **(3p)** (c) 1. After receipt of an application for payments under sub. (3m)
3 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
4 population of 500,000 or more, the department of ~~health and family services~~, with
5 the assistance of the department of justice, shall, in addition to the investigation
6 under par. (b) 1., conduct a background investigation of all employees and
7 prospective employees of the applicant who have or would have regular contact with
8 the child for whom those payments are being made and of each adult resident.

9 **SECTION 453.** 48.57 (3p) (c) 2. of the statutes is amended to read:

10 48.57 **(3p)** (c) 2. The county department or, in a county having a population of
11 500,000 or more, the department of ~~health and family services~~, with the assistance
12 of the department of justice, may conduct a background investigation of any of the
13 employees or prospective employees of any person who is receiving payments under
14 sub. (3m) who have or would have regular contact with the child for whom those
15 payments are being made and of each adult resident at the time of review under sub.
16 (3m) (d) or at any other time that the county department or department of ~~health and~~
17 ~~family services~~ considers to be appropriate.

18 **SECTION 454.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

19 48.57 **(3p)** (c) 2m. The county department or, in a county having a population
20 of 500,000 or more, the department of ~~health and family services~~, with the assistance
21 of the department of justice, may conduct a background investigation of any of the
22 employees or prospective employees of any person who is receiving payments under
23 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child
24 for whom payments are being made and of each adult resident at any time that the

1 county department or department of ~~health and family services~~ considers to be
2 appropriate.

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

4 48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or
5 (3n) or s. 48.62 (5) (a) or (b) may employ any person in a position in which that person
6 would have regular contact with the child for whom those payments are being made
7 or permit any person to be an adult resident, the county department or, in a county
8 having a population of 500,000 or more, the department of ~~health and family~~
9 ~~services~~, with the assistance of the department of justice, shall conduct a background
10 investigation of the prospective employee or prospective adult resident unless that
11 person has already been investigated under subd. 1., 2. or 2m.

12 **SECTION 456.** 48.57 (3p) (d) of the statutes is amended to read:

13 48.57 (3p) (d) If the person being investigated under par. (b) or (c) is a
14 nonresident, or at any time within the 5 years preceding the date of the application
15 has been a nonresident, or if the county department or, in a county having a
16 population of 500,000 or more, the department of ~~health and family services~~
17 determines that the person's employment, licensing or state court records provide a
18 reasonable basis for further investigation, the county department or department of
19 ~~health and family services~~ shall require the person to be fingerprinted on 2
20 fingerprint cards, each bearing a complete set of the person's fingerprints. The
21 department of justice may provide for the submission of the fingerprint cards to the
22 federal bureau of investigation for the purposes of verifying the identity of the person
23 fingerprinted and obtaining records of his or her criminal arrest and conviction.

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

1 48.57 **(3p)** (e) (intro.) Upon request, a person being investigated under par. (b)
2 or (c) shall provide the county department or, in a county having a population of
3 500,000 or more, the department of ~~health and family services~~ with all of the
4 following information:

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

6 48.57 **(3p)** (fm) 1. The county department or, in a county having a population
7 of 500,000 or more, the department of ~~health and family services~~ may provisionally
8 approve the making of payments under sub. (3m) based on the applicant's statement
9 under sub. (3m) (am) 4m. The county department or department of ~~health and family~~
10 ~~services~~ may not finally approve the making of payments under sub. (3m) unless the
11 county department or department of ~~health and family services~~ receives information
12 from the department of justice indicating that the conviction record of the applicant
13 under the law of this state is satisfactory according to the criteria specified in par.
14 (g) 1. to 3. or payment is approved under par. (h) 4. The county department or
15 department of ~~health and family services~~ may make payments under sub. (3m)
16 conditioned on the receipt of information from the federal bureau of investigation
17 indicating that the person's conviction record under the law of any other state or
18 under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

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

20 48.57 **(3p)** (fm) 1m. The county department or, in a county having a population
21 of 500,000 or more, the department of ~~health and family services~~ may not enter into
22 the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b)
23 unless the county department or department of ~~health and family services~~ receives
24 information from the department of justice relating to the conviction record of the
25 applicant under the law of this state and that record indicates either that the

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

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

19 48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may
20 provisionally employ a person in a position in which that person would have regular
21 contact with the child for whom those payments are being made or provisionally
22 permit a person to be an adult resident if the person receiving those payments states
23 to the county department or, in a county having a population of 500,000 or more, the
24 department of health and family services that the employee or adult resident does
25 not have any arrests or convictions that could adversely affect the child or the ability

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

24 **SECTION 461.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

1 48.57 **(3p)** (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)
2 (a) or (b) may provisionally employ a person in a position in which that person would
3 have regular contact with the child for whom those payments are being made or
4 provisionally permit a person to be an adult resident if the person receiving those
5 payments states to the county department or, in a county having a population of
6 500,000 or more, the department of health and family services that, to the best of his
7 or her knowledge, the employee or adult resident does not have any arrests or
8 convictions that could adversely affect the child or the ability of the person receiving
9 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62
10 (5) (a) or (b) may not finally employ a person in a position in which that person would
11 have regular contact with the child for whom those payments are being made or
12 finally permit a person to be an adult resident until the county department or, in a
13 county having a population of 500,000 or more, the department of health and family
14 services receives information from the department of justice relating to the person's
15 conviction record under the law of this state and that record indicates either that the
16 person has not been arrested or convicted or that the person has been arrested or
17 convicted but the director of the county department or, in a county having a
18 population of 500,000 or more, the person designated by the secretary of health and
19 family services to review conviction records under this subdivision determines that
20 the conviction record is satisfactory because it does not include any arrest or
21 conviction that is likely to adversely affect the child or the ability of the person
22 receiving payments to care for the child and the county department or department
23 of health and family services so advises the person receiving payments under sub.
24 (3n) or s. 48.62 (5) (a) or (b). A person receiving payments under sub. (3n) or s. 48.62
25 (5) (a) or (b) may finally employ a person in a position in which that person would

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

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

13 48.57 (3p) (g) (intro.) Except as provided in par. (h), the county department or,
14 in a county having a population of 500,000 or more, the department of ~~health and~~
15 ~~family services~~ may not make payments to a person applying for payments under
16 sub. (3m) and a person receiving payments under sub. (3m) may not employ a person
17 in a position in which that person would have regular contact with the child for whom
18 those payments are being made or permit a person to be an adult resident if any of
19 the following applies:

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

21 48.57 (3p) (g) 3. The person has been convicted of a violation of ch. 940, 944m
22 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63m or 948.70,
23 or of a violation of the law of any other state or federal law that would be a violation
24 of ch. 940, 944m or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,
25 948.63m or 948.70, if committed in this state, except that a county department or,

1 in a county having a population of 500,000 or more, the department of ~~health and~~
2 ~~family services~~ may make payments to a person applying for payments under sub.
3 (3m) and a person receiving payments under sub. (3m) may employ in a position in
4 which the person would have regular contact with the child for whom those payments
5 are being made or permit to be an adult resident a person who has been convicted
6 of a violation of s. 944.30, 944.31, or 944.33 or of a violation of the law of any other
7 state or federal law that would be a violation of s. 944.30, 944.31, or 944.33 if
8 committed in this state, if that violation occurred 20 years or more before the date
9 of the investigation.

10 **SECTION 464.** 48.57 (3p) (h) 2. of the statutes is amended to read:

11 48.57 **(3p)** (h) 2. The request for review shall be filed with the director of the
12 county department or, in a county having a population of 500,000 or more, with the
13 person designated by the secretary of ~~health and family services~~ to receive requests
14 for review filed under this subdivision. If the governing body of a federally
15 recognized American Indian tribe or band has entered into an agreement under sub.
16 (3t) to administer the program under this subsection and sub. (3m), the request for
17 review shall be filed with the person designated by that governing body to receive
18 requests for review filed under this subdivision.

19 **SECTION 465.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

20 48.57 **(3p)** (h) 3. (intro.) The director of the county department, the person
21 designated by the governing body of a federally recognized American Indian tribe or
22 band or, in a county having a population of 500,000 or more, the person designated
23 by the secretary of ~~health and family services~~ shall review the denial of payments or
24 the prohibition on employment or being an adult resident to determine if the
25 conviction record on which the denial or prohibition is based includes any arrests,

1 convictions, or penalties that are likely to adversely affect the child or the ability of
2 the kinship care relative to care for the child. In reviewing the denial or prohibition,
3 the director of the county department, the person designated by the governing body
4 of the federally recognized American Indian tribe or band or the person designated
5 by the secretary of health and family services shall consider, but not be limited to,
6 all of the following factors:

7 **SECTION 466.** 48.57 (3p) (h) 4. of the statutes is amended to read:

8 48.57 (3p) (h) 4. If the director of the county department, the person designated
9 by the governing body of the federally recognized American Indian tribe or band or,
10 in a county having a population of 500,000 or more, the person designated by the
11 secretary of health and family services determines that the conviction record on
12 which the denial of payments or the prohibition on employment or being an adult
13 resident is based does not include any arrests, convictions, or penalties that are likely
14 to adversely affect the child or the ability of the kinship care relative to care for the
15 child, the director of the county department, the person designated by the governing
16 body of the federally recognized American Indian tribe or band, or the person
17 designated by the secretary of health and family services may approve the making
18 of payments under sub. (3m) or may permit a person receiving payments under sub.
19 (3m) to employ a person in a position in which that person would have regular contact
20 with the child for whom payments are being made or permit a person to be an adult
21 resident.

22 **SECTION 467.** 48.57 (3p) (i) of the statutes is amended to read:

23 48.57 (3p) (i) A county department and, in a county having a population of
24 500,000 or more, the department of health and family services shall keep
25 confidential all information received under this subsection from the department of

1 justice or the federal bureau of investigation. Such information is not subject to
2 inspection or copying under s. 19.35.

3 **SECTION 468.** 48.57 (3p) (j) of the statutes is amended to read:

4 48.57 (3p) (j) A county department or, in a county having a population of
5 500,000 or more, the department of health and family services may charge a fee for
6 conducting a background investigation under this subsection. The fee may not
7 exceed the reasonable cost of conducting the investigation.

8 **SECTION 469.** 48.576 of the statutes is created to read:

9 **48.576 Shelter care facilities; general supervision and inspection by**
10 **department.** (1) **GENERALLY.** The department shall investigate and supervise all
11 shelter care facilities and familiarize itself with all the circumstances affecting their
12 management and usefulness.

13 (2) **INSPECTIONS.** The department shall inquire into the methods of treatment,
14 instruction, government, and management of children placed in shelter care
15 facilities; the conduct of the trustees, managers, directors, superintendents, and
16 other officers and employees of those facilities; the condition of the buildings,
17 grounds, and all other property pertaining to those facilities; and all other matters
18 pertaining to the usefulness and management of those facilities; and recommend to
19 the officers in charge such changes and additional provisions as the department
20 considers proper.

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

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

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

16 (6) TESTIMONIAL POWER; EXPENSES. The department or any person delegated by
17 the department may administer oaths, take testimony, and cause depositions to be
18 taken. All expenses of the investigations, including fees of officers and witnesses,
19 shall be charged to the appropriation for the department.

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

22 **SECTION 470.** 48.578 of the statutes is created to read:

23 **48.578 Shelter care facilities; establishment, approval, inspection. (1)**

24 The department shall fix reasonable standards and regulations for the design,

1 construction, repair, and maintenance of shelter care facilities, with respect to their
2 adequacy and fitness for the needs that they are to serve.

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

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

16 **SECTION 471.** 48.60 (3) of the statutes is amended to read:

17 48.60 (3) Before issuing or continuing any license to a child welfare agency
18 under this section, the department of ~~health and family services~~ shall review the
19 need for the additional placement resources that would be made available by
20 licensing or continuing the license of any child welfare agency after August 5, 1973,
21 providing care authorized under s. 48.61 (3). Neither the department of ~~health and~~
22 ~~family services~~ nor the department of corrections may make any placements to any
23 child welfare agency where the departmental review required under this subsection
24 has failed to indicate the need for the additional placement resources.

25 **SECTION 472.** 48.62 (5) (d) of the statutes is amended to read:

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

15 **SECTION 473.** 48.627 (2) (c) of the statutes is amended to read:

16 48.627 (2) (c) The department shall conduct a study to determine the
17 cost-effectiveness of purchasing insurance to provide standard homeowner's or
18 renter's liability insurance coverage for applicants who are granted a waiver under
19 par. (b). If the department determines that it would be cost-effective to purchase
20 such insurance, it may purchase the insurance from the appropriations under s.
21 ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

22 **SECTION 474.** 48.627 (2c) of the statutes is amended to read:

23 48.627 (2c) The department shall determine the cost-effectiveness of
24 purchasing private insurance that would provide coverage to foster, treatment foster,
25 and family-operated group home parents for acts or omissions by or affecting a child

1 who is placed in a foster home, a treatment foster home, or a family-operated group
2 home. If this private insurance is cost-effective and available, the department shall
3 purchase the insurance from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf)
4 and (pd). If the insurance is unavailable, payment of claims for acts or omissions by
5 or affecting a child who is placed in a foster home, a treatment foster home, or a
6 family-operated group home shall be in accordance with subs. (2m) to (3).

7 **SECTION 475.** 48.627 (2m) of the statutes is amended to read:

8 48.627 (2m) Within the limits of the appropriations under s. ~~20.435 (3)~~ 20.437
9 (1) (cf) and (pd), the department shall pay claims to the extent not covered by any
10 other insurance and subject to the limitations specified in sub. (3), for bodily injury
11 or property damage sustained by a licensed foster, treatment foster, or
12 family-operated group home parent or a member of the foster, treatment foster, or
13 family-operated group home parent's family as a result of the act of a child in the
14 foster, treatment foster, or family-operated group home parent's care.

15 **SECTION 476.** 48.627 (2s) (intro.) of the statutes is amended to read:

16 48.627 (2s) (intro.) Within the limits of the appropriations under s. ~~20.435 (3)~~
17 20.437 (1) (cf) and (pd), the department may pay claims to the extent not covered by
18 any other insurance and subject to the limitations specified in sub. (3), for all of the
19 following:

20 **SECTION 477.** 48.627 (3) (f) of the statutes is amended to read:

21 48.627 (3) (f) If the total amount of the claims approved during any calendar
22 quarter exceeds 25% of the total funds available during the fiscal year for purposes
23 of this subsection plus any unencumbered funds remaining from the previous
24 quarter, the department shall prorate the available funds among the claimants with
25 approved claims. The department shall also prorate any unencumbered funds

1 remaining in the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (cf) at the end of each
2 fiscal year among the claimants whose claims were prorated during the fiscal year.
3 Payment of a prorated amount from unencumbered funds remaining at the end of
4 the fiscal year constitutes a complete payment of the claim for purposes of this
5 program, but does not prohibit a foster parent or treatment foster parent from
6 submitting a claim under s. 16.007 for the unpaid portion.

7 **SECTION 478.** 48.627 (4) of the statutes is amended to read:

8 48.627 (4) Except as provided in s. 895.485, the department is not liable for any
9 act or omission by or affecting a child who is placed in a foster home, treatment foster
10 home, or family-operated group home, but shall, as provided in this section, pay
11 claims described under sub. (2m) and may pay claims described under sub. (2s) or
12 may purchase insurance to cover such claims as provided for under sub. (2c), within
13 the limits of the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

14 **SECTION 479.** 48.64 (1) of the statutes is amended to read:

15 48.64 (1) DEFINITION. In this section, "agency" means the department of health
16 and family services, the department of corrections, a county department, or a
17 licensed child welfare agency authorized to place children in foster homes, treatment
18 foster homes, or group homes.

19 **SECTION 480.** 48.651 (1) (intro.) of the statutes is amended to read:

20 48.651 (1) (intro.) Each county department shall certify, according to the
21 standards adopted by the department of ~~workforce development~~ under s. 49.155 (1d),
22 each day care provider reimbursed for child care services provided to families
23 determined eligible under s. 49.155, unless the provider is a day care center licensed
24 under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county
25 may charge a fee to cover the costs of certification. To be certified under this section,

1 a person must meet the minimum requirements for certification established by the
2 department of ~~workforce development~~ under s. 49.155 (1d), meet the requirements
3 specified in s. 48.685 and pay the fee specified in this section. The county shall certify
4 the following categories of day care providers:

5 **SECTION 481.** 48.651 (1) (a) of the statutes is amended to read:

6 48.651 (1) (a) Level I certified family day care providers, as established by the
7 department of ~~workforce development~~ under s. 49.155 (1d). No county may certify
8 a provider under this paragraph if the provider is a relative of all of the children for
9 whom he or she provides care.

10 **SECTION 482.** 48.651 (1) (b) of the statutes is amended to read:

11 48.651 (1) (b) Level II certified family day care providers, as established by the
12 department of ~~workforce development~~, under s. 49.155 (1d).

13 **SECTION 483.** 48.651 (2m) of the statutes is amended to read:

14 48.651 (2m) Each county department shall provide the department of health
15 and family services with information about each person who is denied certification
16 for a reason specified in s. 48.685 (4m) (a) 1. to 5.

17 **SECTION 484.** 48.658 of the statutes, as created by 2007 Wisconsin Act (this
18 act), is amended to read:

19 **48.658 Child care quality rating system.** The department of ~~workforce~~
20 ~~development~~ shall provide a child care quality rating system that rates the quality
21 of the child care provided by a child care provider licensed under s. 48.65 that receives
22 reimbursement under s. 49.155 for the child care provided or that volunteers for
23 rating under this section. The department of ~~workforce development~~ shall make the
24 rating information provided under that system available to the parents, guardians,
25 and legal custodians of children who are recipients, or prospective recipients, of care

1 and supervision from a child care provider that is rated under this section, including
2 making that information available on the ~~department of workforce development's~~
3 department's Internet site.

****NOTE: This is reconciled s. 48.658. This SECTION has been affected by drafts
with the following LRB numbers: -1220 and -1261.

4 **SECTION 485.** 48.66 (1) (a) of the statutes is amended to read:

5 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall
6 license and supervise child welfare agencies, as required by s. 48.60, group homes,
7 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care
8 centers, as required by s. 48.65. The department may license foster homes or
9 treatment foster homes, as provided by s. 48.62, and may license and supervise
10 county departments in accordance with the procedures specified in this section and
11 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the
12 records and visit the premises of all child welfare agencies, group homes, shelter care
13 facilities, and day care centers and visit the premises of all foster homes and
14 treatment foster homes in which children are placed.

15 **SECTION 486.** 48.66 (2m) (a) 1. of the statutes is amended to read:

16 48.66 (2m) (a) 1. Except as provided in subd. 2., the department of ~~health and~~
17 ~~family services~~ shall require each applicant for a license under sub. (1) (a) to operate
18 a child welfare agency, group home, shelter care facility, or day care center who is an
19 individual to provide that department with the applicant's social security number,
20 and shall require each applicant for a license under sub. (1) (a) to operate a child
21 welfare agency, group home, shelter care facility, or day care center who is not an
22 individual to provide that department with the applicant's federal employer
23 identification number, when initially applying for or applying to continue the license.

1 **SECTION 487.** 48.66 (2m) (a) 2. of the statutes is amended to read:

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

8 **SECTION 488.** 48.66 (2m) (am) 2. of the statutes is amended to read:

9 48.66 (2m) (am) 2. If an applicant who is an individual does not have a social
10 security number, the applicant shall submit a statement made or subscribed under
11 oath or affirmation to the department of corrections that the applicant does not have
12 a social security number. The form of the statement shall be prescribed by the
13 department of ~~workforce development~~. A license issued in reliance upon a false
14 statement submitted under this subdivision is invalid.

15 **SECTION 489.** 48.66 (2m) (b) of the statutes is amended to read:

16 48.66 (2m) (b) If an applicant who is an individual fails to provide the
17 applicant's social security number to the department of ~~health and family services~~
18 or if an applicant who is not an individual fails to provide the applicant's federal
19 employer identification number to ~~that~~ the department, that department may not
20 issue or continue a license under sub. (1) (a) to operate a child welfare agency, group
21 home, shelter care facility, or day care center to or for the applicant unless the
22 applicant is an individual who does not have a social security number and the
23 applicant submits a statement made or subscribed under oath or affirmation as
24 required under par. (a) 2.

25 **SECTION 490.** 48.66 (2m) (c) of the statutes is amended to read:

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

8 **SECTION 491.** 48.66 (2m) (cm) of the statutes is amended to read:

9 48.66 (2m) (cm) The department of corrections may not disclose any
10 information obtained under par. (am) 1. to any person except on the request of the
11 department of ~~workforce development~~ under s. 49.22 (2m).

12 **SECTION 492.** 48.675 (3) (intro.) of the statutes is amended to read:

13 48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from
14 the appropriation under s. ~~20.435 (6)~~ 20.437 (1) (a) to enable foster parents and
15 treatment foster parents to attend education programs approved under sub. (2) and
16 shall promulgate rules concerning disbursement of the funds. Moneys disbursed
17 under this subsection may be used for the following purposes:

18 **SECTION 493.** 48.685 (2) (am) 5. of the statutes is amended to read:

19 48.685 (2) (am) 5. Information maintained by the department of health and
20 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13
21 (14) regarding any denial to the person of a license, continuation or renewal of a
22 license, certification, or a contract to operate an entity for a reason specified in sub.
23 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
24 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
25 5. If the information obtained under this subdivision indicates that the person has

1 been denied a license, continuation or renewal of a license, certification, a contract,
2 employment, or permission to reside as described in this subdivision, the
3 department, a county department, a child welfare agency or a school board need not
4 obtain the information specified in subds. 1. to 4.

5 **SECTION 494.** 48.685 (2) (b) 1. e. of the statutes is amended to read:

6 48.685 (2) (b) 1. e. Information maintained by the department of health and
7 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13
8 (14) regarding any denial to the person of a license, continuation or renewal of a
9 license, certification, or a contract to operate an entity for a reason specified in sub.
10 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
11 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
12 5. If the information obtained under this subd. 1. e. indicates that the person has
13 been denied a license, continuation or renewal of a license, certification, a contract,
14 employment, or permission to reside as described in this subd. 1. e., the entity need
15 not obtain the information specified in subd. 1. a. to d.

16 **SECTION 495.** 48.685 (5c) (a) of the statutes is amended to read:

17 48.685 (5c) (a) Any person who is permitted but fails under sub. (5) (a) to
18 demonstrate to the department or a child welfare agency that he or she has been
19 rehabilitated may appeal to the secretary of ~~health and family services~~ or his or her
20 designee. Any person who is adversely affected by a decision of the secretary or his
21 or her designee under this paragraph has a right to a contested case hearing under
22 ch. 227.

23 **SECTION 496.** 48.685 (8) of the statutes is amended to read:

24 48.685 (8) The department, the department of health and family services, a
25 county department, a child welfare agency, or a school board may charge a fee for

1 obtaining the information required under sub. (2) (am) or (3) (a) or for providing
2 information to an entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b).
3 The fee may not exceed the reasonable cost of obtaining the information. No fee may
4 be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or
5 maintaining information if to do so would be inconsistent with federal law.

6 **SECTION 497.** 48.715 (6) of the statutes is amended to read:

7 48.715 (6) ~~The department of health and family services~~ shall deny, suspend,
8 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
9 probationary license under s. 48.69 to operate a child welfare agency, group home,
10 shelter care facility, or day care center, and the department of corrections shall deny,
11 suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1)
12 (b) to operate a secured residential care center for children and youth, for failure of
13 the applicant or licensee to pay court-ordered payments of child or family support,
14 maintenance, birth expenses, medical expenses, or other expenses related to the
15 support of a child or former spouse or for failure of the applicant or licensee to comply,
16 after appropriate notice, with a subpoena or warrant issued by the department of
17 ~~workforce development~~ or a county child support agency under s. 59.53 (5) and
18 related to paternity or child support proceedings, as provided in a memorandum of
19 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action
20 taken under this subsection is subject to review only as provided in the memorandum
21 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

22 **SECTION 498.** 48.743 of the statutes is created to read:

23 **48.743 Community living arrangements for children.** (1) In this section,
24 "community living arrangement for children" means a residential care center for
25 children and youth or a group home.

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

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

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

19 (5) If a community living arrangement for children is required to obtain special
20 zoning permission, as defined in s. 59.69 (15) (g), the department shall, at the request
21 of the unit of government responsible for granting the special zoning permission,
22 inspect the proposed facility and review the program proposed for the facility. After
23 such inspection and review, the department shall transmit to the unit of government
24 responsible for granting the special zoning permission a statement that the proposed

1 facility and its proposed program have been examined and are either approved or
2 disapproved by the department.

3 **SECTION 499.** 48.745 (5) of the statutes is amended to read:

4 48.745 (5) If the county department designates the department to receive
5 formal complaints, the subunit under s. ~~46.03 (22) (e)~~ 48.743 (3) shall receive the
6 complaints and the department shall have all the powers and duties granted to the
7 county department in this section.

8 **SECTION 500.** 48.75 (1m) of the statutes is amended to read:

9 48.75 (1m) Each child welfare agency and public licensing agency shall provide
10 ~~the subunit of the department that administers s. 48.685 of health and family~~
11 services with information about each person who is denied a license for a reason
12 specified in s. 48.685 (4m) (a) 1. to 5.

13 **SECTION 501.** 48.78 (2) (h) of the statutes is amended to read:

14 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county
15 department, or a licensed child welfare agency from entering the content of any
16 record kept or information received by the department, county department, or
17 licensed child welfare agency into the statewide automated child welfare
18 information system established under s. ~~46.03~~ 48.47 (7g).

19 **SECTION 502.** 48.839 (1) (d) of the statutes is amended to read:

20 48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county
21 department or child welfare agency before the child is adopted, the department shall
22 periodically bill the guardian and the surety under s. ~~46.03 (18) (b) or 46.10~~ 49.32 (1)
23 (b) or 49.345 for the cost of care and maintenance of the child until the child is adopted
24 or becomes age 18, whichever is earlier. The guardian and surety shall also be liable

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

3 **SECTION 503.** 48.839 (1) (e) of the statutes is amended to read:

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

9 **SECTION 504.** 48.93 (1d) of the statutes is amended to read:

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

14 **SECTION 505.** 48.98 (2) (d) of the statutes is amended to read:

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

20 **SECTION 506.** 48.981 (7) (dm) of the statutes is amended to read:

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

24 **SECTION 507.** 48.981 (8) (a) of the statutes is amended to read:

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

21 **SECTION 508.** 48.981 (8) (d) 1. of the statutes is amended to read:

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

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

5 **SECTION 509.** 48.982 (2) (g) (intro.) of the statutes is amended to read:

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

8 **SECTION 510.** 48.985 (1) of the statutes is amended to read:

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

15 **SECTION 511.** 48.985 (2) of the statutes is amended to read:

16 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the
17 appropriation under s. ~~20.435 (7)~~ 20.437 (1) (o), the department shall distribute not
18 more than ~~\$3,809,600~~ \$3,554,300 in each fiscal year of the moneys received under
19 42 USC 620 to 626 to county departments under ss. ~~46.215, 46.22, and 46.23~~ for the
20 provision or purchase of child welfare projects and services, for services to children
21 and families, for services to the expectant mothers of unborn children, and for
22 family-based child welfare services.

23 **SECTION 512.** 48.985 (4) of the statutes is amended to read:

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

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

3 **SECTION 520.** 49.11 (2) of the statutes is amended to read:

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

6 **SECTION 521.** 49.138 (1m) (intro.) of the statutes is amended to read:

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

21 **SECTION 522.** 49.143 (2) (b) of the statutes is amended to read:

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

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

9 **SECTION 523.** 49.147 (6) (c) of the statutes is amended to read:

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

14 **SECTION 524.** 49.147 (6) (cm) 1. of the statutes is amended to read:

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

23 **SECTION 525.** 49.155 (1g) (b) of the statutes is amended to read:

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

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

6 **SECTION 526.** 49.155 (1g) (c) of the statutes, as affected by 2007 Wisconsin Act
7 ... (this act), is amended to read:

8 49.155 (1g) (c) From the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)
9 (mc), transfer \$4,800,600 in fiscal year 2007-08 and \$4,800,600 in fiscal year
10 2008-09 to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (kx).

****NOTE: This is reconciled s. 49.155 (1g) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0267 and -1261.

11 **SECTION 527.** 49.155 (1g) (d) of the statutes is amended to read:

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

17 **SECTION 528.** 49.1635 (1) of the statutes is amended to read:

18 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
19 from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (md) the department may
20 distribute funds to the Wisconsin Trust Account Foundation in an amount up to the
21 amount received by the foundation from private donations, but not to exceed
22 \$100,000 in a fiscal year. Except as provided in sub. (4), funds distributed under this
23 subsection may be used only for the provision of legal services to individuals who are

1 eligible for temporary assistance for needy families under 42 USC 601 et seq. and
2 whose incomes are at or below 200% of the poverty line.

3 **SECTION 529.** 49.175 (1) (intro.) of the statutes is amended to read:

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

8 **SECTION 530.** 49.175 (1) (ze) (title) of the statutes is amended to read:

9 49.175 (1) (ze) (title) *Programs administered by the department of health and*
10 *family services relating to children and families.*

11 **SECTION 531.** 49.175 (1) (ze) 10m. of the statutes, as affected by 2007 Wisconsin
12 Act (this act), is amended to read:

13 49.175 (1) (ze) 10m. 'Safety and out-of-home placement services.' For services
14 provided in counties having a population of 500,000 or more to ensure the safety of
15 children who the department of health and family services determines may remain
16 at home if appropriate services are provided, and for ongoing services provided in
17 those counties to families with children placed in out-of-home care, \$5,631,300 in
18 each fiscal year.

****NOTE: This is reconciled s. 49.175 (1) (ze) 10m. This SECTION has been affected
by drafts with the following LRB numbers: -0267 and -1261.

19 **SECTION 532.** 49.175 (1) (zh) of the statutes, as affected by 2007 Wisconsin Act
20 (this act), is amended to read:

21 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
22 moneys from the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (md) to the

1 appropriation account under s. 20.835 (2) (kf) for the earned income tax credit,
2 \$30,616,700 in fiscal year 2007-08 and \$25,004,300 in fiscal year 2008-09.

***NOTE: This is reconciled s. 49.175 (1) (zh). This SECTION has been affected by drafts with the following LRB numbers: -0267 and -1261.

3 **SECTION 533.** 49.175 (2) (c) of the statutes is amended to read:

4 49.175 (2) (c) If the amounts of federal block grant moneys that are required
5 to be credited to the appropriation accounts under s. ~~20.445 (3)~~ 20.437 (2) (mc) and
6 (md) are less than the amounts appropriated under s. ~~20.445 (3)~~ 20.437 (2) (mc) and
7 (md), the department shall submit a plan to the secretary of administration for
8 reducing the amounts of moneys allocated under sub. (1). If the secretary of
9 administration approves the plan, the amounts of moneys required to be allocated
10 under sub. (1) may be reduced as proposed by the department and the department
11 shall allocate the moneys as specified in the plan.

12 **SECTION 534.** 49.177 of the statutes, as created by 2007 Wisconsin Act (this
13 act), is amended to read:

14 **49.177 Boys and Girls Clubs programs in 1st class cities.** From the
15 appropriation account under s. ~~20.445 (3)~~ 20.0437 (2) (kb), the department shall
16 provide grants to the Boys and Girls Clubs of Greater Milwaukee to fund programs
17 that improve the social, academic, and employment skills of youths who reside in 1st
18 class cities.

***NOTE: This is reconciled s. 49.177. This SECTION has been affected by drafts with the following LRB numbers: -1261 and -1676.

19 **SECTION 535.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

20 49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed
21 under s. 48.62 if a license is required under that section, in a foster home or treatment
22 foster home located within the boundaries of a federally recognized American Indian

1 reservation in this state and licensed by the tribal governing body of the reservation,
2 in a group home licensed under s. 48.625, or in a residential care center for children
3 and youth licensed under s. 48.60, and has been placed in the foster home, treatment
4 foster home, group home, or center by a county department under s. 46.215, 46.22,
5 or 46.23, by the department of ~~health and family services~~, by the department of
6 corrections, or by a federally recognized American Indian tribal governing body in
7 this state under an agreement with a county department.

8 **SECTION 536.** 49.19 (10) (a) of the statutes is amended to read:

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

23 **SECTION 537.** 49.19 (10) (d) of the statutes is amended to read:

24 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
25 treatment foster home, group home, or residential care center for children and youth

1 by the state when the child is in the custody or guardianship of the state, when the
2 child is a ward of an American Indian tribal court in this state and the placement is
3 made under an agreement between the department and the tribal governing body,
4 or when the child was part of the state's direct service case load and was removed
5 from the home of a relative specified in sub. (1) (a) as a result of a judicial
6 determination that continuance in the home of a relative would be contrary to the
7 child's welfare for any reason and the child is placed by the department of health and
8 family services or the department of corrections.

9 **SECTION 538.** 49.19 (11) (a) 1. a. of the statutes is amended to read:

10 49.19 (11) (a) 1. a. Except as provided in subs. (11m) and (11s), monthly
11 payments made under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md) to persons or to families
12 with dependent children shall be based on family size and shall be at 80% of the total
13 of the allowances under subs. 2. and 4. plus the following standards of assistance
14 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

15 **SECTION 539.** 49.19 (11s) (d) of the statutes is amended to read:

16 49.19 (11s) (d) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (a), the
17 department may award grants to county departments under ss. 46.215, 46.22 and

1 46.23 for providing education services relating to family planning, as defined in s.
2 253.07 (1) (a), to persons who are subject to par. (b).

3 **SECTION 540.** 49.195 (3r) of the statutes is amended to read:

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

8 **SECTION 541.** 49.197 (1m) of the statutes is amended to read:

9 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. ~~20.445 (3)~~
10 20.437 (2) (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program
11 to investigate suspected fraudulent activity on the part of recipients of aid to families
12 with dependent children under s. 49.19, on the part of participants in the Wisconsin
13 Works program under ss. 49.141 to 49.161, and, if the department of health and
14 family services contracts with the department under sub. (5), on the part of recipients
15 of medical assistance under subch. IV, food stamp benefits under the food stamp
16 program under 7 USC 2011 to 2036, supplemental security income payments under
17 s. 49.77, payments for the support of children of supplemental security income
18 recipients under s. 49.775, and health care benefits under the Badger Care health
19 care program under s. 49.665. The department's activities under this subsection may
20 include, but are not limited to, comparisons of information provided to the
21 department by an applicant and information provided by the applicant to other
22 federal, state, and local agencies, development of an advisory welfare investigation
23 prosecution standard, and provision of funds to county departments under ss.
24 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to

1 detect fraud. The department shall cooperate with district attorneys regarding
2 fraud prosecutions.

3 **SECTION 542.** 49.197 (4) of the statutes is amended to read:

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

13 **SECTION 543.** 49.22 (6) of the statutes, as affected by 2007 Wisconsin Act ...

14 (this act), is amended to read:

15 49.22 (6) The department shall establish, pursuant to federal and state laws,
16 rules and regulations, a uniform system of fees for services provided under this
17 section to individuals not receiving aid under s. ~~46.261~~ 48.645, 49.19, ^{or} 49.47, or
18 29.471; benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments
19 under 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or
20 long-term kinship care payments under s. 48.57 (3n). The system of fees may take
21 into account an individual's ability to pay. Any fee paid and collected under this
22 subsection may be retained by the county providing the service except for the fee
23 specified in 42 USC 653 (e) (2) for federal parent locator services.

***NOTE: This is reconciled s. 49.22 (6). This SECTION has been affected by drafts
with the following LRB numbers: -0905 and -1261.

1 **SECTION 544.** 49.22 (7) of the statutes is amended to read:

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

16 **SECTION 545.** 49.24 (1) of the statutes, as affected by 2007 Wisconsin Act
17 (this act), is amended to read:

18 49.24 (1) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (b), the
19 department shall provide child support incentive payments to counties. In fiscal
20 year 2007-08, amounts allocated by the department under this subsection may not
21 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
22 with fiscal year 2008-09, amounts allocated under this subsection may not exceed
23 \$5,500,000 per fiscal year, plus any amounts not obligated in the prior fiscal year.

****NOTE: This is reconciled s. 49.24 (1). This SECTION has been affected by drafts
with the following LRB numbers: -1261 and -1523.

1 **SECTION 546.** 49.26 (1) (d) of the statutes is amended to read:

2 49.26 (1) (d) A county department or Wisconsin works Works agency that
3 provides services under this subsection directly shall develop a plan, in coordination
4 with the school districts located in whole or in part in the county, describing the
5 assistance that the county department or Wisconsin works Works agency and school
6 districts will provide to individuals receiving services under this subsection, the
7 number of individuals that will be served and the estimated cost of the services. The
8 county department or Wisconsin works Works agency shall submit the plan to the
9 department of ~~workforce development~~ and the department of public instruction by
10 January 15, annually.

11 **SECTION 547.** 49.27 of the statutes is created to read:

12 **49.27 Legal actions.** The department may sue and be sued.

13 **SECTION 548.** 49.273 of the statutes is created to read:

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

20 **SECTION 549.** 49.275 of the statutes is amended to read:

21 **49.275 Cooperation with federal government.** The department may
22 cooperate with the federal government in carrying out federal acts concerning public
23 assistance under this subchapter and child welfare under ch. 48 and in other matters
24 of mutual concern under this subchapter pertaining to public welfare and under ch.
25 48 pertaining to child welfare.