

1 **SECTION 550.** 49.32 (1) (a) of the statutes is amended to read:

2 49.32 (1) (a) The Except as provided in s. 49.345 (14) (b) and (c), the department
3 shall establish a uniform system of fees for services provided or purchased under this
4 subchapter and ch. 48 by the department, or a county department under s. 46.215,
5 46.22, or 46.23, except as provided in s. 49.22 (6) and except ~~where~~ when, as
6 determined by the department, a fee is administratively unfeasible or would
7 significantly prevent accomplishing the purpose of the service. A county department
8 under s. 46.215, 46.22 or 46.23 shall apply the fees ~~which~~ that it collects under this
9 program to cover the cost of ~~such~~ those services.

10 **SECTION 551.** 49.32 (1) (am) of the statutes is created to read:

11 49.32 (1) (am) Paragraph (a) does not prevent the department from charging
12 and collecting the cost of adoptive placement investigations and child care as
13 authorized under s. 48.837 (7).

14 **SECTION 552.** 49.32 (1) (b) of the statutes is amended to read:

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

23 **SECTION 553.** 49.32 (1) (c) of the statutes is amended to read:

24 49.32 (1) (c) The department shall make collections from the person who in the
25 opinion of the department is best able to pay, giving due regard to the present needs

1 of the person or of his or her lawful dependents. The department may bring an action
2 in the name of the department to enforce the liability established under par. (b). This
3 paragraph does not apply to the recovery of fees for the care and services specified
4 under s. 49.345.

5 **SECTION 554.** 49.32 (2) (d) of the statutes is created to read:

6 49.32 (2) (d) The department shall disburse from state or federal funds or both
7 the entire amount and charge the county for its share under s. 48.569.

8 **SECTION 555.** 49.32 (9) (a) of the statutes is amended to read:

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

20 **SECTION 556.** 49.32 (11) of the statutes is renumbered 103.005 (21) amended
21 to read:

22 103.005 (21) ~~COMMUNITY ACTION AGENCIES.~~ The department shall distribute all
23 of the funds under s. 20.445 (3) (1) (cr) to community action agencies and
24 organizations, including any of the 11 federally recognized tribal governing bodies
25 in this state and limited-purpose agencies, in proportion to the share of funds

1 actually allocated to these entities under 42 USC 1315 and from other federal and
2 private foundation sources that provide funds for job creation and development for
3 individuals with low incomes.

4 **SECTION 557.** 49.32 (11m) of the statutes is created to read:

5 49.32 (11m) CONSOLIDATION OF ALLOCATED TRIBAL FUNDS. The department may
6 consolidate funds appropriated under s. 20.437 that are authorized or required to be
7 allocated to federally recognized American Indian tribes or bands into a single
8 distribution for each tribe or band in each fiscal year.

9 **SECTION 558.** 49.32 (12) of the statutes is amended to read:

10 49.32 (12) ADMINISTRATIVE HEARINGS AND APPEALS. Any hearing under s. 227.42
11 granted by the department under this subchapter or ch. 48 may be conducted before
12 the division of hearings and appeals in the department of administration.

13 **SECTION 559.** 49.325 (1) (a) of the statutes is amended to read:

14 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
15 submit its final budget for services directly provided or purchased under this
16 subchapter or ch. 48 to the department by December 31 annually.

17 **SECTION 560.** 49.325 (2) of the statutes is amended to read:

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

23 **SECTION 561.** 49.325 (2g) (a) of the statutes is amended to read:

24 49.325 (2g) (a) The department shall annually submit to the county board of
25 supervisors in a county with a single-county department or the county boards of

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

14 **SECTION 562.** 49.325 (2g) (c) of the statutes is amended to read:

15 49.325 (2g) (c) The joint committee on finance may require the department to
16 submit contracts between county departments under ss. 46.215, 46.22, and 46.23
17 and providers of services under this subchapter or ch. 48 to the committee for review
18 and approval.

19 **SECTION 563.** 49.325 (2r) (a) 1. of the statutes is amended to read:

20 49.325 (2r) (a) 1. For services under this subchapter which or ch. 48 that
21 duplicate or are inconsistent with services being provided or purchased by the
22 department or other county departments receiving grants-in-aid or reimbursement
23 from the department.

24 **SECTION 564.** 49.325 (2r) (a) 2. of the statutes is amended to read:

1 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
2 regulations, in which case the department may also arrange for provision of services
3 under this subchapter or ch. 48 by an alternate agency. The department may not
4 arrange for provision of services by an alternate agency unless the joint committee
5 on finance or a review body designated by the committee reviews and approves the
6 department's determination.

7 **SECTION 565.** 49.325 (3) (a) of the statutes is amended to read:

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

1 supervisors in counties with a multicounty committee may designate an agent to
2 determine the membership of the committee and to appoint the committee
3 chairperson or approve the nominee.

4 **SECTION 566.** 49.34 (1) of the statutes is amended to read:

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

15 **SECTION 567.** 49.34 (2) of the statutes is amended to read:

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

22 **SECTION 568.** 49.34 (4) (a) of the statutes is amended to read:

23 49.34 (4) (a) Except as provided in this subsection, maintain a uniform double
24 entry accounting system and a management information system which are
25 compatible with cost accounting and control systems prescribed by the department.

1 The department shall establish a simplified double-entry bookkeeping system for
2 use by family-operated group homes. Each purchaser shall determine whether a
3 family-operated group home from which it purchases services shall use the
4 double-entry accounting system or the simplified system and shall include this
5 determination in the purchase of service contract. In this paragraph,
6 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for
7 which the licensee is one or more individuals who operate not more than one group
8 home.

9 **SECTION 569.** 49.34 (4) (c) of the statutes is amended to read:

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

16 **SECTION 570.** 49.34 (5m) (a) 1. of the statutes is amended to read:

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

23 **SECTION 571.** 49.34 (5m) (b) 1. of the statutes is amended to read:

24 49.34 (5m) (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a
25 contract for the provision of a rate-based service exceeds allowable costs incurred in

1 the contract period, the provider may retain from the surplus generated by that
2 rate-based service up to 5% of the contract amount. A provider that retains a surplus
3 under this subdivision shall use that retained surplus to cover a deficit between
4 revenue and allowable costs incurred in any preceding or future contract period for
5 the same rate-based service that generated the surplus or to address the
6 programmatic needs of clients served by the same rate-based service that generated
7 the surplus.

8 **SECTION 572.** 49.34 (5m) (b) 2. of the statutes is amended to read:

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

21 **SECTION 573.** 49.34 (5m) (em) of the statutes is created to read:

22 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under
23 s. 46.215, 51.42, or 51.437 providing client services in a county having a population
24 of 500,000 or more or a nonstock, nonprofit corporation providing client services in
25 such a county may not retain a surplus under par. (b) 1. or accumulate funds under

1 par. (b) 2. from revenues that are used to meet the maintenance-of-effort
2 requirement under the federal temporary assistance for needy families program
3 under 42 USC 601 to 619.

4 SECTION 574. 49.345 of the statutes is created to read:

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

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

1 person may be lawfully dependent upon the property for his or her support, the court
2 shall release all or such part of the property and estate from the charges that may
3 be necessary to provide for the person. The department shall make every reasonable
4 effort to notify the liable persons as soon as possible after the beginning of the
5 maintenance, but the notice or the receipt thereof is not a condition of liability.

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

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

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

23 (c) If the department issues an order to compel payment under par. (a), interest
24 at the rate of 12 percent per year shall be computed by the department and added

1 at the time of payment to the person's liability. That interest shall begin on the date
2 on which payment was due and shall end on the day before the date of final payment.

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

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

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

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

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

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

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

13 (d) After due regard to the case and to a spouse and minor children who are
14 lawfully dependent on the property for support, compromise or waive any portion of
15 any claim of the state or county for which a person specified under sub. (2) is liable,
16 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other
17 3rd party.

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

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

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

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

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

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

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

20 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in
21 sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in
22 residential, nonmedical facilities such as group homes, foster homes, treatment
23 foster homes, subsidized guardianship homes, and residential care centers for
24 children and youth is determined in accordance with the cost-based fee established
25 under s. 49.32 (1). The department shall bill the liable person up to any amount of

1 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party
2 benefits, subject to rules that include formulas governing ability to pay established
3 by the department under s. 49.32 (1). Any liability of the person not payable by any
4 other person terminates when the person reaches age 18, unless the liable person has
5 prevented payment by any act or omission.

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

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

- 18 1. The needs of the child.
- 19 2. The physical, mental, and emotional health needs of the child, including any
20 costs for the child's health insurance provided by a parent.
- 21 3. The standard of living and circumstances of the parents, including the needs
22 of each parent to support himself or herself at a level equal to or greater than that
23 established under 42 USC 9902 (2).
- 24 4. The financial resources of the parents.

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

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

5 7. The age of the child.

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

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

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

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

16 (cm) 1. Except as provided in subd. 2., if a parent who is required to pay child
17 support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the
18 child for whom support is ordered, the amount of the child support payments
19 determined under par. (b) or (c) may not exceed the amount of the adoption assistance
20 maintenance payments under s. 48.975 (3) (a). If an agreement under s. 48.975 (4)
21 is in effect that provides for a payment of \$0 under s. 48.975 (3) (a), the payment of
22 \$0 shall be considered to be an adoption assistance maintenance payment for
23 purposes of this subdivision.

24 2. Subdivision 1. does not apply if, after considering the factors under par. (c)
25 1. to 11., the court finds by the greater weight of the credible evidence that limiting

1 the amount of the child support payments to the amount of the adoption assistance
2 maintenance payments under s. 48.975 (3) (a) is unfair to the child or to either of the
3 parents.

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

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

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

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

1 be deducted from the amount withheld and no fine may be levied for failure to
2 withhold the money.

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

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

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

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

1 departments under ss. 46.22 and 46.23 the responsibilities vested in the department
2 under this section for collection of fees for services provided at the state facilities if
3 the necessary conditions are met.

4 **SECTION 575.** 49.35 (1) (a) of the statutes is amended to read:

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

11 **SECTION 576.** 49.35 (1) (b) of the statutes is amended to read:

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

20 **SECTION 577.** 49.35 (2) of the statutes is amended to read:

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

24 **SECTION 578.** 49.36 (2) of the statutes, as affected by 2007 Wisconsin Act
25 (this act), is amended to read:

1 49.36 (2) The department may contract with any county, tribal governing body,
2 or Wisconsin Works agency to administer a work experience and job training
3 program for parents who are not custodial parents and who fail to pay child support
4 or to meet their children's needs for support as a result of unemployment or
5 underemployment. The program may provide the kinds of work experience and job
6 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
7 (3), (3m), or (4). The program may also include job search and job orientation
8 activities. The department shall fund the program from the appropriations under
9 s. ~~20.445 (3)~~ 20.437 (2) (dz) and (k).

****NOTE: This is reconciled s. 49.36 (2). This SECTION has been affected by drafts
with the following LRB numbers: -0486 and -1261.

10 **SECTION 579.** 49.45 (6m) (br) 1. of the statutes, as affected by 2007 Wisconsin
11 Act (this act), is amended to read:

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

****NOTE: This is reconciled s. 49.45 (6m) (br) 1. This SECTION has been affected by
drafts with the following LRB numbers: -1181 and -1261.

22 **SECTION 580.** 49.45 (40) of the statutes is amended to read:

1 49.45 (40) PERIODIC RECORD MATCHES. If the department contracts with the
2 department of ~~workforce development~~ children and families under s. 49.197 (5), the
3 department shall cooperate with the department of ~~workforce development~~ children
4 and families in matching records of medical assistance recipients under s. 49.32 (7).

5 **SECTION 581.** 49.475 (6) of the statutes, as created by 2007 Wisconsin Act ...
6 (this act), is amended to read:

7 49.475 (6) SHARING INFORMATION. The department of health and family services
8 shall provide to the department of ~~workforce development~~ children and families, for
9 purposes of the medical support liability program under s. 49.22, any information
10 that the department of health and family services receives under this section. The
11 department of ~~workforce development~~ children and families may allow a county child
12 support agency under s. 59.53 (5) or a tribal child support agency access to the
13 information, subject to the use and disclosure restrictions under s. 49.83, and shall
14 consult with the department of health and family services regarding procedures and
15 methods to adequately safeguard the confidentiality of the information provided
16 under this subsection.

****NOTE: This is reconciled s. 49.475 (6). This SECTION has been affected by drafts
with the following LRB numbers: -0248 and -1261.

17 **SECTION 582.** 49.48 (1m) of the statutes is amended to read:

18 49.48 (1m) If an individual who applies for or to renew a certification under
19 sub. (1) does not have a social security number, the individual, as a condition of
20 obtaining the certification, shall submit a statement made or subscribed under oath
21 or affirmation to the department that the applicant does not have a social security
22 number. The form of the statement shall be prescribed by the department of

1 ~~workforce development~~ children and families. A certification issued or renewed in
2 reliance upon a false statement submitted under this subsection is invalid.

3 **SECTION 583.** 49.48 (2) of the statutes is amended to read:

4 49.48 (2) The department of ~~health and family services~~ may not disclose any
5 information received under sub. (1) to any person except to the department of
6 ~~workforce development~~ children and families for the purpose of making
7 certifications required under s. 49.857.

8 **SECTION 584.** 49.48 (3) of the statutes is amended to read:

9 49.48 (3) The department of ~~health and family services~~ shall deny an
10 application for the issuance or renewal of a certification specified in sub. (1), shall
11 suspend a certification specified in sub. (1) or may, under a memorandum of
12 understanding under s. 49.857 (2), restrict a certification specified in sub. (1) if the
13 department of ~~workforce development~~ children and families certifies under s. 49.857
14 that the applicant for or holder of the certificate is delinquent in the payment of
15 court-ordered payments of child or family support, maintenance, birth expenses,
16 medical expenses or other expenses related to the support of a child or former spouse
17 or fails to comply, after appropriate notice, with a subpoena or warrant issued by the
18 department of ~~workforce development~~ children and families or a county child
19 support agency under s. 59.53 (5) and related to paternity or child support
20 proceedings.

21 **SECTION 585.** 49.775 (2) (bm) of the statutes is amended to read:

22 49.775 (2) (bm) The custodial parent assigns to the state any right of the
23 custodial parent or of the dependent child to support from any other person. No
24 amount of support that begins to accrue after the individual ceases to receive
25 payments under this section may be considered assigned to the state. Any money

1 that is received by the department of ~~workforce development~~ children and families
2 under an assignment to the state under this paragraph and that is not the federal
3 share of support shall be paid to the custodial parent. The department of ~~workforce~~
4 ~~development~~ children and families shall pay the federal share of support assigned
5 under this paragraph as required under federal law or waiver.

6 **SECTION 586.** 49.78 (4) of the statutes is amended to read:

7 49.78 (4) RULES; MERIT SYSTEM. The department of ~~workforce development~~
8 children and families shall promulgate rules for the efficient administration of aid
9 to families with dependent children in agreement with the requirement for federal
10 aid, including the establishment and maintenance of personnel standards on a merit
11 basis. The provisions of this section relating to personnel standards on a merit basis
12 supersede any inconsistent provisions of any law relating to county personnel. This
13 subsection shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

14 **SECTION 587.** 49.78 (5) of the statutes is amended to read:

15 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
16 qualifications of applicants in any county department administering aid to families
17 with dependent children shall be given by the administrator of the division of merit
18 recruitment and selection in the office of state employment relations. The office of
19 state employment relations shall be reimbursed for actual expenditures incurred in
20 the performance of its functions under this section from the appropriations available
21 to the department of ~~health and family services~~ children and families for
22 administrative expenditures.

23 **SECTION 588.** 49.78 (7) of the statutes is amended to read:

24 49.78 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under
25 sub. (4), the department of ~~workforce development~~ children and families where

1 requested by the county shall delegate to that county, without restriction because of
2 enumeration, any or all of the authority of the department of ~~workforce~~
3 ~~development's authority~~ children and families under sub. (4) to establish and
4 maintain personnel standards including salary levels.

5 **SECTION 589.** 49.81 (intro.) of the statutes is amended to read:

6 **49.81 Public assistance recipients' bill of rights.** (intro.) The department
7 of health and family services, the department of ~~workforce development~~ children and
8 families, and all public assistance and relief-granting agencies shall respect rights
9 for recipients of public assistance. The rights shall include all rights guaranteed by
10 the U.S. constitution and the constitution of this state, and in addition shall include:

11 **SECTION 590.** 49.82 (1) of the statutes is amended to read:

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

22 **SECTION 591.** 49.83 of the statutes is amended to read:

23 **49.83 Limitation on giving information.** Except as provided under s. 49.32
24 (9), (10), and (10m), no person may use or disclose information concerning applicants
25 and recipients of relief funded by a relief block grant, aid to families with dependent

1 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and
2 spousal support and establishment of paternity and medical support liability
3 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not
4 connected with the administration of the programs, except that the department of
5 ~~workforce development~~ children and families may disclose such information to the
6 department of revenue for the sole purpose of administering state taxes. Any person
7 violating this section may be fined not less than \$25 nor more than \$500 or
8 imprisoned in the county jail not less than 10 days nor more than one year or both.

9 **SECTION 592.** 49.845 (1) of the statutes is amended to read:

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

1 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The
2 department of health and family services shall cooperate with district attorneys
3 regarding fraud prosecutions.

4 **SECTION 593.** 49.845 (2) of the statutes is amended to read:

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

14 **SECTION 594.** 49.845 (3) of the statutes is amended to read:

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

21 **SECTION 595.** 49.845 (4) of the statutes is amended to read:

22 49.845 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m)
23 and (3), the department of ~~workforce development~~ children and families may
24 contract with the department of health and family services to investigate suspected
25 fraudulent activity on the part of recipients of aid to families with dependent

1 children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to
2 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under
3 ss. 49.141 to 49.161, as provided in this section.

4 **SECTION 596.** 49.85 (1) of the statutes is amended to read:

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

17 **SECTION 597.** 49.85 (2) (b) of the statutes is amended to read:

18 49.85 (2) (b) At least annually, the department of ~~workforce development~~
19 children and families shall certify to the department of revenue the amounts that,
20 based on the notifications received under sub. (1) and on other information received
21 by the department of ~~workforce development~~ children and families, the department
22 of ~~workforce development~~ children and families has determined that it may recover
23 under ss. 49.161 and 49.195 (3) and collect under s. 49.147 (6) (cm), except that the
24 department of ~~workforce development~~ children and families may not certify an
25 amount under this subsection unless it has met the notice requirements under sub.

1 (3) and unless its determination has either not been appealed or is no longer under
2 appeal.

3 **SECTION 598.** 49.85 (3) (b) (intro.) of the statutes is amended to read:

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

8 **SECTION 599.** 49.85 (3) (b) 1. of the statutes is amended to read:

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

15 **SECTION 600.** 49.85 (3) (b) 2. of the statutes is amended to read:

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

20 **SECTION 601.** 49.85 (3) (b) 3. of the statutes is amended to read:

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

25 **SECTION 602.** 49.85 (3) (b) 4. of the statutes is amended to read:

1 49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is
2 requested to appeal the determination of the department of ~~workforce development~~
3 children and families, the person may be precluded from challenging any subsequent
4 setoff of the certified amount by the department of revenue, except on the grounds
5 that the certified amount has been partially or fully paid or otherwise discharged,
6 since the date of the notice.

7 **SECTION 603.** 49.85 (3) (b) 5. of the statutes is amended to read:

8 49.85 (3) (b) 5. Request that the person inform the department of ~~workforce~~
9 ~~development~~ children and families if a bankruptcy stay is in effect with respect to the
10 person or if the claim has been discharged in bankruptcy.

11 **SECTION 604.** 49.85 (4) (b) of the statutes is amended to read:

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

18 **SECTION 605.** 49.85 (5) of the statutes is amended to read:

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

1 services or the department of ~~workforce development~~ children and families shall
2 promptly notify the department of revenue upon recovery or collection of any amount
3 previously certified under this section.

4 **SECTION 606.** 49.852 (1) of the statutes is renumbered 49.852 (1m) and
5 amended to read:

6 49.852 (1m) The department of ~~workforce development~~ may direct the
7 department of employee trust funds, the retirement system of any 1st class city, any
8 retirement system established under chapter 201, laws of 1937, or the administrator
9 of any other pension plan to withhold the amount specified in the statewide support
10 lien docket under s. 49.854 (2) (b) from any lump sum payment from a pension plan
11 that may be paid a delinquent support obligor, except that the department of
12 ~~workforce development~~ may not direct that an amount be withheld under this
13 subsection unless it has met the notice requirements under sub. (2) and unless the
14 amount specified has either not been appealed or is no longer under appeal under s.
15 49.854.

16 **SECTION 607.** 49.852 (1c) of the statutes is created to read:

17 49.852 (1c) In this section, "department" means the department of children
18 and families.

19 **SECTION 608.** 49.852 (2) (intro.) of the statutes is amended to read:

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

24 **SECTION 609.** 49.852 (2) (c) of the statutes is amended to read:

1 49.852 (2) (c) Request that the person inform the department of ~~workforce~~
2 ~~development~~ or the appropriate county child support agency under s. 59.53 (5) if a
3 bankruptcy stay is in effect with respect to the person.

4 **SECTION 610.** 49.852 (3) of the statutes is amended to read:

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

22 **SECTION 611.** 49.852 (4) (a) of the statutes is amended to read:

23 49.852 (4) (a) If the department of ~~workforce development~~ directs the
24 department of employee trust funds, the retirement system of any 1st class city, any
25 retirement system established under chapter 201, laws of 1937, or the administrator

1 of any other pension plan to withhold the amount specified in the statewide support
2 lien docket under s. 49.854 (2) (b), this directive shall constitute a lien, equal to the
3 amount specified in the statewide support lien docket, on any lump sum payment
4 from a pension plan that may be paid the person.

5 **SECTION 612.** 49.852 (4) (b) of the statutes is amended to read:

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

22 **SECTION 613.** 49.852 (4) (c) of the statutes is amended to read:

23 49.852 (4) (c) A directive to the department of employee trust funds, the
24 retirement system of any 1st class city, any retirement system established under
25 chapter 201, laws of 1937, or the administrator of any other pension plan to withhold

1 the amount specified in the statewide support lien docket under s. 49.854 (2) (b)
2 under this section does not prohibit the department of ~~workforce development~~ from
3 attempting to recover the amount through other legal means.

4 **SECTION 614.** 49.852 (4) (d) of the statutes is amended to read:

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

10 **SECTION 615.** 49.853 (1) (b) of the statutes is amended to read:

11 49.853 (1) (b) "Department" means the department of ~~workforce development~~
12 children and families.

13 **SECTION 616.** 49.854 (1) (a) of the statutes is amended to read:

14 49.854 (1) (a) "Department" means the department of ~~workforce development~~
15 children and families.

16 **SECTION 617.** 49.854 (11) (b) of the statutes is amended to read:

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

23 **SECTION 618.** 49.855 (1) of the statutes is amended to read:

24 49.855 (1) If a person obligated to pay child support, family support,
25 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is

1 delinquent in making any of those payments, or owes an outstanding amount that
2 has been ordered by the court for past support, medical expenses, or birth expenses,
3 upon application under s. 59.53 (5) the department of ~~workforce development~~
4 children and families shall certify the delinquent payment or outstanding amount
5 to the department of revenue and, at least annually, shall provide to the department
6 of revenue any certifications of delinquencies or outstanding amounts that it receives
7 from another state because the obligor resides in this state.

8 **SECTION 619.** 49.855 (2r) of the statutes is created to read:

9 49.855 (2r) At least annually, the department of children and families shall
10 certify to the department of revenue any obligation owed to that department under
11 s. 49.345 if the obligation is rendered to a judgment.

12 **SECTION 620.** 49.855 (3) of the statutes is amended to read:

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

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

13 **SECTION 621.** 49.855 (4) (a) of the statutes is amended to read:

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

1 **SECTION 622.** 49.855 (4) (b) of the statutes is amended to read:

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

12 **SECTION 623.** 49.855 (4m) (b) of the statutes is amended to read:

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

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

18 **SECTION 624.** 49.855 (4m) (c) of the statutes is amended to read:

19 49.855 (4m) (c) Except as provided by order of the court after hearing under
20 par. (b), the department of administration shall continue withholding until the
21 amount certified is recovered in full. The department of administration shall
22 transfer the amounts withheld under this paragraph to the department of ~~workforce~~
23 ~~development~~ children and families or its designee, the department of health and
24 family services, or the department of corrections, whichever is appropriate. The
25 department of ~~workforce development~~ children and families or its designee shall

1 deposit amounts withheld for delinquent child or family support, maintenance, or
2 receiving and disbursing fees or past support, medical expenses, or birth expenses
3 in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (kp).

4 **SECTION 625.** 49.855 (5) of the statutes is amended to read:

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

10 **SECTION 626.** 49.856 (1) (b) of the statutes is amended to read:

11 49.856 (1) (b) "Department" means the department of ~~workforce development~~
12 children and families.

13 **SECTION 627.** 49.857 (1) (cf) of the statutes is created to read:

14 49.857 (1) (cf) "Department" means the department of children and families.

15 **SECTION 628.** 49.857 (1) (f) of the statutes is amended to read:

16 49.857 (1) (f) "Subpoena or warrant" means a subpoena or warrant issued by
17 the department of ~~workforce development~~ or a child support agency and relating to
18 paternity or support proceedings.

19 **SECTION 629.** 49.857 (2) (a) of the statutes is amended to read:

20 49.857 (2) (a) The department of ~~workforce development~~ shall establish a
21 system, in accordance with federal law, under which a licensing authority is
22 requested, and a licensing agency or credentialing board is required, to restrict,
23 limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or
24 revalidate a license in a timely manner upon certification by and in cooperation with
25 the department of ~~workforce development~~, if the individual holding or applying for

1 the license is delinquent in making court-ordered payments of support or fails to
2 comply, after appropriate notice, with a subpoena or warrant.

3 **SECTION 630.** 49.857 (2) (b) (intro.) of the statutes is amended to read:

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

9 **SECTION 631.** 49.857 (2) (b) 2. (intro.) of the statutes is amended to read:

10 49.857 (2) (b) 2. (intro.) Procedures that the department of ~~workforce~~
11 ~~development~~ shall use for doing all of the following:

12 **SECTION 632.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

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

21 **SECTION 633.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

22 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of
23 ~~workforce development~~ children and families notifies the licensing authority or
24 licensing agency that an individual who was delinquent in making court-ordered
25 payments of support has paid the delinquent support or made satisfactory

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

12 **SECTION 634.** 49.857 (2) (b) 5. of the statutes is amended to read:

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

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

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

24 **SECTION 636.** 49.857 (3) (a) 4. of the statutes is amended to read:

1 49.857 (3) (a) 4. That the certification will not be made if the individual pays
2 the delinquent amount in full or makes satisfactory alternative payment
3 arrangements with the department of ~~workforce development~~ or a child support
4 agency. The notice shall inform the individual of how he or she may pay the
5 delinquent amount or make satisfactory alternative payment arrangements.

6 **SECTION 637.** 49.857 (3) (ac) 1. of the statutes is amended to read:

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

14 **SECTION 638.** 49.857 (3) (ac) 2. of the statutes is amended to read:

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

21 **SECTION 639.** 49.857 (3) (ac) 3. of the statutes is amended to read:

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

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

4 **SECTION 640.** 49.857 (3) (am) (intro.) of the statutes is amended to read:

5 49.857 (3) (am) (intro.) If an individual, after receiving notice under par. (a),
6 does not timely request a hearing or pay the delinquent amount of support or make
7 satisfactory alternative payment arrangements, the department of ~~workforce~~
8 ~~development~~ shall place the individual's name on a certification list. Thereafter, the
9 department of ~~workforce development~~ or a child support agency shall provide a 2nd
10 notice to the individual by regular mail that informs the individual of all of the
11 following:

12 **SECTION 641.** 49.857 (3) (am) 4. of the statutes is amended to read:

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

18 **SECTION 642.** 49.857 (3) (ar) 1. of the statutes is amended to read:

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

1 **SECTION 643.** 49.857 (3) (ar) 2. of the statutes is amended to read:

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

8 **SECTION 644.** 49.857 (3) (ar) 3. of the statutes is amended to read:

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

16 **SECTION 645.** 49.857 (3) (b) (intro.) of the statutes is amended to read:

17 49.857 (3) (b) (intro.) Any subpoena or warrant shall include notice to the
18 individual of the effect that a failure to comply with the subpoena or warrant may
19 have on any license that the individual holds or for which the individual applies. If
20 the individual fails to comply, before the department of ~~workforce development~~
21 certifies to a licensing authority or a licensing agency under the system established
22 under sub. (2) that an individual has failed to comply with a subpoena or warrant,
23 the department of ~~workforce development~~ or a child support agency shall provide
24 notice to the individual by regular mail. The notice shall inform the individual of all
25 of the following:

1 **SECTION 646.** 49.857 (3) (bm) of the statutes is amended to read:

2 49.857 (3) (bm) If an individual, after receiving notice under par. (b), does not
3 satisfy the requirements under the subpoena or warrant, the department of
4 ~~workforce development~~ shall place the individual's name on a certification list.

5 **SECTION 647.** 49.857 (3) (c) (intro.) of the statutes is amended to read:

6 49.857 (3) (c) (intro.) If the department of ~~workforce development~~ children and
7 families provides a certification list to a licensing authority, a licensing agency or,
8 with respect to a credential granted by a credentialing board, the department of
9 regulation and licensing, upon receipt of the list the licensing authority if the
10 licensing authority agrees, the licensing agency or, with respect to a credential
11 granted by a credentialing board, the department of regulation and licensing shall
12 do all of the following:

13 **SECTION 648.** 49.857 (3) (d) 1. of the statutes is amended to read:

14 49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of
15 delinquent support, is denied a license or whose license, on the basis of delinquent
16 support, is restricted, limited, suspended, or refused renewal or revalidation under
17 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent
18 amount of support in full or makes satisfactory alternative payment arrangements,
19 the department of ~~workforce development~~ children and families shall immediately
20 notify the licensing authority or licensing agency to issue or reinstate the individual's
21 license as provided in the memorandum of understanding. If the individual held or
22 applied for a credential granted by a credentialing board, the department of
23 regulation and licensing shall, upon notice by the department of ~~workforce~~
24 ~~development~~ children and families, notify the credentialing board to grant or
25 reinstate the individual's credential.

1 **SECTION 649.** 49.857 (3) (d) 2. of the statutes is amended to read:

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

14 **SECTION 650.** 49.857 (4) of the statutes is amended to read:

15 49.857 (4) Each licensing agency shall enter into a memorandum of
16 understanding with the department of ~~workforce development~~ children and families
17 under sub. (2) (b) and shall cooperate with the department of ~~workforce development~~
18 children and families in its administration of s. 49.22. The department of regulation
19 and licensing shall enter into a memorandum of understanding with the department
20 of ~~workforce development~~ children and families on behalf of a credentialing board
21 with respect to a credential granted by the credentialing board.

22 **SECTION 651.** 49.858 (1) of the statutes is renumbered 49.858 (1) (intro.) and
23 amended to read:

24 49.858 (1) (intro.) In this section, "support":

25 (b) "Support" has the meaning given in s. 49.857 (1) (g).