

SECTION 513. 48.985 (5) of the statutes is repealed.

SECTION 514. 48.989 (1) (a) of the statutes is amended to read:

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

SECTION 515. 48.989 (1) (b) of the statutes is amended to read:

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

SECTION 516. Chapter 49 (title) of the statutes is amended to read:

CHAPTER 49

PUBLIC ASSISTANCE AND

CHILDREN AND FAMILY SERVICES

SECTION 517. 49.001 (9) of the statutes is amended to read:

49.001 (9) "Wisconsin works Works agency" means a person under contract under s. 49.143 to administer Wisconsin works Works under ss. 49.141 to 49.161. If no contract is awarded under s. 49.143, "Wisconsin works Works agency" means the department of workforce development children and families.

SECTION 518. Subchapter III (title) of chapter 49 [precedes 49.11] of the statutes is amended to read:

CHAPTER 49

SUBCHAPTER III

ECONOMIC CHILDREN AND FAMILY SUPPORT AND WORK PROGRAMS
SERVICES

SECTION 519. 49.11 (1) of the statutes is amended to read:

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 \$5,236,800 in fiscal year 2007-08 and \$5,245,500 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)~~ 20.437 (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 is amended to read:

14 49.22 (6) The department shall establish, pursuant to federal and state laws,
15 rules and regulations, a uniform system of fees for services provided under this
16 section to individuals not receiving aid under s. ~~46.261~~ 48.645, 49.19, or 49.47;
17 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
18 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term
19 kinship care payments under s. 48.57 (3n). The system of fees may take into account
20 an individual's ability to pay. Any fee paid and collected under this subsection may
21 be retained by the county providing the service except for the fee specified in 42 USC
22 653 (e) (2) for federal parent locator services.

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

24 49.22 (7) The department may represent the state in any action to establish
25 paternity or to establish or enforce a support or maintenance obligation. The

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

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

15 49.24 (1) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (b), the
16 department shall provide child support incentive payments to counties. In fiscal
17 year 2007-08, amounts allocated by the department under this subsection may not
18 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
19 with fiscal year 2008-09, amounts allocated under this subsection may not exceed
20 \$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.

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

22 49.26 (1) (d) A county department or Wisconsin works Works agency that
23 provides services under this subsection directly shall develop a plan, in coordination

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

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

9 **49.27 Legal actions.** The department may sue and be sued.

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

11 **49.273 Research, investigations.** The secretary shall plan for and establish
12 within the department a program of research designed to determine the
13 effectiveness of the treatment, curative, and rehabilitative programs of the various
14 divisions of the department. The secretary may inquire into any matter affecting
15 children and families, hold hearings, subpoena witnesses and make
16 recommendations on those matters to the appropriate public or private agencies.

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

18 **49.275 Cooperation with federal government.** The department may
19 cooperate with the federal government in carrying out federal acts concerning public
20 assistance under this subchapter and child welfare under ch. 48 and in other matters
21 of mutual concern under this subchapter pertaining to public welfare and under ch.
22 48 pertaining to child welfare.

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

24 49.32 (1) (a) The Except as provided in s. 49.345 (14) (b) and (c), the department
25 shall establish a uniform system of fees for services provided or purchased under this

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

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

8 49.32 (1) (am) Paragraph (a) does not prevent the department from charging
9 and collecting the cost of adoptive placement investigations and child care as
10 authorized under s. 48.837 (7).

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

12 49.32 (1) (b) Any Except as provided in s. 49.345 (14) (b) and (c), any person
13 receiving services provided or purchased under par. (a) or the spouse of the person
14 and, in the case of a minor, the parents of the person, and, in the case of a foreign child
15 described in s. 48.839 (1) who became dependent on public funds for his or her
16 primary support before an order granting his or her adoption, the resident of this
17 state appointed guardian of the child by a foreign court who brought the child into
18 this state for the purpose of adoption, shall be liable for the services in the amount
19 of the fee established under par. (a).

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

21 49.32 (1) (c) The department shall make collections from the person who in the
22 opinion of the department is best able to pay, giving due regard to the present needs
23 of the person or of his or her lawful dependents. The department may bring an action
24 in the name of the department to enforce the liability established under par. (b). This

1 paragraph does not apply to the recovery of fees for the care and services specified
2 under s. 49.345.

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

4 49.32 (2) (d) The department shall disburse from state or federal funds or both
5 the entire amount and charge the county for its share under s. 48.569.

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

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

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

20 103.005 (21) ~~COMMUNITY ACTION AGENCIES.~~ The department shall distribute all
21 of the funds under s. 20.445 (3) (1) (cr) to community action agencies and
22 organizations, including any of the 11 federally recognized tribal governing bodies
23 in this state and limited-purpose agencies, in proportion to the share of funds
24 actually allocated to these entities under 42 USC 1315 and from other federal and

1 private foundation sources that provide funds for job creation and development for
2 individuals with low incomes.

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

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

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

9 49.32 (12) ADMINISTRATIVE HEARINGS AND APPEALS. Any hearing under s. 227.42
10 granted by the department under this subchapter or ch. 48 may be conducted before
11 the division of hearings and appeals in the department of administration.

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

13 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
14 submit its final budget for services directly provided or purchased under this
15 subchapter or ch. 48 to the department by December 31 annually.

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

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

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

23 49.325 (2g) (a) The department shall annually submit to the county board of
24 supervisors in a county with a single-county department or the county boards of
25 supervisors in counties with a multicounty department a proposed written contract

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

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

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

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

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

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

24 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
25 regulations, in which case the department may also arrange for provision of services

1 under this subchapter or ch. 48 by an alternate agency. The department may not
2 arrange for provision of services by an alternate agency unless the joint committee
3 on finance or a review body designated by the committee reviews and approves the
4 department's determination.

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

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

1 determine the membership of the committee and to appoint the committee
2 chairperson or approve the nominee.

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

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

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

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

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

22 49.34 (4) (a) Except as provided in this subsection, maintain a uniform double
23 entry accounting system and a management information system which are
24 compatible with cost accounting and control systems prescribed by the department.
25 The department shall establish a simplified double-entry bookkeeping system for

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

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

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

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

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

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

23 49.34 (5m) (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a
24 contract for the provision of a rate-based service exceeds allowable costs incurred in
25 the contract period, the provider may retain from the surplus generated by that

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

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

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

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

21 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under
22 s. 46.215, 51.42, or 51.437 providing client services in a county having a population
23 of 500,000 or more or a nonstock, nonprofit corporation providing client services in
24 such a county may not retain a surplus under par. (b) 1. or accumulate funds under
25 par. (b) 2. from revenues that are used to meet the maintenance-of-effort

1 requirement under the federal temporary assistance for needy families program
2 under 42 USC 601 to 619.

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

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

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

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

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

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

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

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

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

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

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

23 **(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.