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cont.

1 ~~48.55 (3) From the appropriation account under s. ~~20.435 (3)~~ 20.437 (3) (dg),~~
2 ~~the department shall distribute \$68,300 in each fiscal year as grants to individuals~~
3 ~~and private agencies to operate postadoption resource centers.~~

4 **SECTION 1285.** 48.561 (3) (a) 1. ✓ of the statutes is amended to read:

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

7 **SECTION 1286.** 48.561 (3) (b) of the statutes is amended to read:

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

21 **SECTION 1287.** 48.563 of the statutes is created to read:

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

(per GMM)
\$67,756,000

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

6 (2) BASIC COUNTY ALLOCATION. For children and family services under s. 48.569
7 (1) (d), the department shall distribute not more than ~~\$67,452,000~~ in each fiscal year.

8 (14m) COUNTY CHILDREN AND FAMILY AIDS BUDGETS. Before December 1 of each
9 year, each county department and each tribal governing body shall submit to the
10 department a proposed budget for the expenditure of funds allocated under this
11 section, distributed under s. 48.565 (2) (a), or carried forward under s. 48.565 (3). The
12 proposed budget shall be submitted on a form developed by the department and
13 approved by the department of administration.

14 **SECTION 1288.** 48.565 of the statutes is created to read:

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

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

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

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

13 **SECTION 1289.** 48.567 of the statutes is created to read:

14 **48.567 Expenditure of income augmentation services receipts. (1)**

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

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

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

11 **SECTION 1290.** 48.568 of the statutes is created to read:

12 **48.568 Allocation of federal funds for children and family aids and**
13 **child welfare.** Subject to s. 48.563 (1) (b) and (c), if the department receives
14 unanticipated federal foster care and adoption assistance payments under 42 USC
15 670 to 679a and it proposes to allocate the unanticipated funds so that an allocation
16 limit in s. 48.563 is exceeded, the department shall submit a plan for the proposed
17 allocation to the secretary of administration. If the secretary of administration
18 approves the plan, he or she shall submit it to the joint committee on finance. If the
19 cochairpersons of the committee do not notify the secretary of administration that
20 the committee has scheduled a meeting for the purpose of reviewing the plan within
21 14 working days after the date of his or her submittal, the department may
22 implement the plan, notwithstanding any allocation limits under s. 48.563. If within
23 14 working days after the date of the submittal by the secretary of administration
24 the cochairpersons of the committee notify him or her that the committee has
25 scheduled a meeting for the purpose of reviewing the plan, the department may

1 implement the plan, notwithstanding s. 48.563, only with the approval of the
2 committee.

3 **SECTION 1291.** 48.569 of the statutes is created to read:

4 **48.569 Distribution of children and family aids funds to counties. (1)**

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

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

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

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

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

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

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

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

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

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

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

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

10 **SECTION 1292.** 48.57 (1) (g) of the statutes is amended to read:

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

14 **SECTION 1293.** 48.57 (3) (a) 3. (intro.) of the statutes is amended to read:

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

17 **SECTION 1294.** 48.57 (3) (b) of the statutes is amended to read:

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

21 **SECTION 1295.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

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

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

4 **SECTION 1296.** 48.57 (3m) (e) of the statutes is amended to read:

5 48.57 (3m) (e) The department shall determine whether the child is eligible
6 for medical assistance under ss. 49.43 to ~~49.47~~ 49.471.

7 **SECTION 1297.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

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

16 **SECTION 1298.** 48.57 (3n) (e) of the statutes is amended to read:

17 48.57 (3n) (e) The department shall determine whether the child is eligible for
18 medical assistance under ss. 49.43 to ~~49.47~~ 49.471.

19 **SECTION 1299.** 48.57 (3p) (b) 1. of the statutes is amended to read:

20 48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)
21 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
22 population of 500,000 or more, the department of ~~health and family services~~, with
23 the assistance of the department of justice, shall conduct a background investigation
24 of the applicant.

25 **SECTION 1300.** 48.57 (3p) (b) 2. of the statutes is amended to read:

1 48.57 (3p) (b) 2. The county department or, in a county having a population of
2 500,000 or more, the department of ~~health and family services~~, with the assistance
3 of the department of justice, may conduct a background investigation of any person
4 who is receiving payments under sub. (3m) at the time of review under sub. (3m) (d)
5 or at any other time that the county department or department of ~~health and family~~
6 ~~services~~ considers to be appropriate.

7 **SECTION 1301.** 48.57 (3p) (b) 3. of the statutes is amended to read:

8 48.57 (3p) (b) 3. The county department or, in a county having a population of
9 500,000 or more, the department of ~~health and family services~~, with the assistance
10 of the department of justice, may conduct a background investigation of any person
11 who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that
12 the county department or department of ~~health and family services~~ considers to be
13 appropriate.

14 **SECTION 1302.** 48.57 (3p) (c) 1. of the statutes is amended to read:

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

22 **SECTION 1303.** 48.57 (3p) (c) 2. of the statutes is amended to read:

23 48.57 (3p) (c) 2. The county department or, in a county having a population of
24 500,000 or more, the department of ~~health and family services~~, with the assistance
25 of the department of justice, may conduct a background investigation of any of the

1 employees or prospective employees of any person who is receiving payments under
2 sub. (3m) who have or would have regular contact with the child for whom those
3 payments are being made and of each adult resident at the time of review under sub.
4 (3m) (d) or at any other time that the county department or department of health and
5 family services considers to be appropriate.

6 **SECTION 1304.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

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

15 **SECTION 1305.** 48.57 (3p) (c) 3. of the statutes is amended to read:

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

24 **SECTION 1306.** 48.57 (3p) (d) of the statutes is amended to read:

1 48.57 **(3p)** (d) If the person being investigated under par. (b) or (c) is a
2 nonresident, or at any time within the 5 years preceding the date of the application
3 has been a nonresident, or if the county department or, in a county having a
4 population of 500,000 or more, the department of ~~health and family services~~
5 determines that the person's employment, licensing or state court records provide a
6 reasonable basis for further investigation, the county department or department of
7 ~~health and family services~~ shall require the person to be fingerprinted on 2
8 fingerprint cards, each bearing a complete set of the person's fingerprints. The
9 department of justice may provide for the submission of the fingerprint cards to the
10 federal bureau of investigation for the purposes of verifying the identity of the person
11 fingerprinted and obtaining records of his or her criminal arrest and conviction.

12 **SECTION 1307.** 48.57 (3p) (e) (intro.) of the statutes is amended to read:

13 48.57 **(3p)** (e) (intro.) Upon request, a person being investigated under par. (b)
14 or (c) shall provide the county department or, in a county having a population of
15 500,000 or more, the department of ~~health and family services~~ with all of the
16 following information:

17 **SECTION 1308.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

18 48.57 **(3p)** (fm) 1. The county department or, in a county having a population
19 of 500,000 or more, the department of ~~health and family services~~ may provisionally
20 approve the making of payments under sub. (3m) based on the applicant's statement
21 under sub. (3m) (am) 4m. The county department or department of ~~health and family~~
22 ~~services~~ may not finally approve the making of payments under sub. (3m) unless the
23 county department or department of ~~health and family services~~ receives information
24 from the department of justice indicating that the conviction record of the applicant
25 under the law of this state is satisfactory according to the criteria specified in par.

1 (g) 1. to 3. or payment is approved under par. (h) 4. The county department or
2 department of ~~health and family services~~ may make payments under sub. (3m)
3 conditioned on the receipt of information from the federal bureau of investigation
4 indicating that the person's conviction record under the law of any other state or
5 under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

6 **SECTION 1309.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

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

1 county having a population of 500,000 or more, the person designated by the
2 ~~secretary of health and family services~~ to review conviction records under this
3 subdivision determines is likely to adversely affect the child or the applicant's ability
4 to care for the child.

5 **SECTION 1310.** 48.57 (3p) (fm) 2. of the statutes is amended to read:

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

1 resident and the county department or, in a county having a population of 500,000
2 or more, the department of health and family services so advises the person receiving
3 payments under sub. (3m). A person receiving payments under sub. (3m) may finally
4 employ a person in a position in which that person would have regular contact with
5 the child for whom those payments are being made or finally permit a person to be
6 an adult resident conditioned on the receipt of information from the county
7 department or, in a county having a population of 500,000 or more, the department
8 of health and family services that the federal bureau of investigation indicates that
9 the person's conviction record under the law of any other state or under federal law
10 is satisfactory according to the criteria specified in par. (g) 1. to 3.

11 **SECTION 1311.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

12 48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)
13 (a) or (b) may provisionally employ a person in a position in which that person would
14 have regular contact with the child for whom those payments are being made or
15 provisionally permit a person to be an adult resident if the person receiving those
16 payments states to the county department or, in a county having a population of
17 500,000 or more, the department of health and family services that, to the best of his
18 or her knowledge, the employee or adult resident does not have any arrests or
19 convictions that could adversely affect the child or the ability of the person receiving
20 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62
21 (5) (a) or (b) may not finally employ a person in a position in which that person would
22 have regular contact with the child for whom those payments are being made or
23 finally permit a person to be an adult resident until the county department or, in a
24 county having a population of 500,000 or more, the department of health and family
25 services receives information from the department of justice relating to the person's

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

23 **SECTION 1312.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

24 48.57 (3p) (g) (intro.) Except as provided in par. (h), the county department or,
25 in a county having a population of 500,000 or more, the department of health and

1 ~~family services~~ may not make payments to a person applying for payments under
2 sub. (3m) and a person receiving payments under sub. (3m) may not employ a person
3 in a position in which that person would have regular contact with the child for whom
4 those payments are being made or permit a person to be an adult resident if any of
5 the following applies:

6 **SECTION 1313.** 48.57 (3p) (g) 3. of the statutes is amended to read:

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

20 **SECTION 1314.** 48.57 (3p) (h) 2. of the statutes is amended to read:

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

1 (3t) to administer the program under this subsection and sub. (3m), the request for
2 review shall be filed with the person designated by that governing body to receive
3 requests for review filed under this subdivision.

4 **SECTION 1315.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

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

17 **SECTION 1316.** 48.57 (3p) (h) 4. of the statutes is amended to read:

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

1 body of the federally recognized American Indian tribe or band, or the person
2 designated by the secretary of health and family services may approve the making
3 of payments under sub. (3m) or may permit a person receiving payments under sub.
4 (3m) to employ a person in a position in which that person would have regular contact
5 with the child for whom payments are being made or permit a person to be an adult
6 resident.

7 **SECTION 1317.** 48.57 (3p) (i) of the statutes is amended to read:

8 48.57 (3p) (i) A county department and, in a county having a population of
9 500,000 or more, the department of health and family services shall keep
10 confidential all information received under this subsection from the department of
11 justice or the federal bureau of investigation. Such information is not subject to
12 inspection or copying under s. 19.35.

13 **SECTION 1318.** 48.57 (3p) (j) of the statutes is amended to read:

14 48.57 (3p) (j) A county department or, in a county having a population of
15 500,000 or more, the department of health and family services may charge a fee for
16 conducting a background investigation under this subsection. The fee may not
17 exceed the reasonable cost of conducting the investigation.

18 **SECTION 1319.** 48.576 of the statutes is created to read:

19 **48.576 Shelter care facilities; general supervision and inspection by**
20 **department. (1) GENERALLY.** The department shall investigate and supervise all
21 shelter care facilities and familiarize itself with all the circumstances affecting their
22 management and usefulness.

23 **(2) INSPECTIONS.** The department shall inquire into the methods of treatment,
24 instruction, government, and management of children placed in shelter care
25 facilities; the conduct of the trustees, managers, directors, superintendents, and

1 other officers and employees of those facilities; the condition of the buildings,
2 grounds, and all other property pertaining to those facilities; and all other matters
3 pertaining to the usefulness and management of those facilities; and recommend to
4 the officers in charge such changes and additional provisions as the department
5 considers proper.

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

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

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

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

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

7 **SECTION 1320.** 48.578 of the statutes is created to read:

8 **48.578 Shelter care facilities; establishment, approval, inspection. (1)**
9 The department shall fix reasonable standards and regulations for the design,
10 construction, repair, and maintenance of shelter care facilities, with respect to their
11 adequacy and fitness for the needs that they are to serve.

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

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

25 **SECTION 1321.** 48.60 (3) of the statutes is amended to read:

1 48.60 (3) Before issuing or continuing any license to a child welfare agency
2 under this section, the department of health and family services shall review the
3 need for the additional placement resources that would be made available by
4 licensing or continuing the license of any child welfare agency after August 5, 1973,
5 providing care authorized under s. 48.61 (3). Neither the department of health and
6 family services nor the department of corrections may make any placements to any
7 child welfare agency where the departmental review required under this subsection
8 has failed to indicate the need for the additional placement resources.

9 **SECTION 1322.** 48.62 (4) of the statutes is amended to read:

10 48.62 (4) Monthly payments in foster care shall be provided according to the
11 age-related rates specified in this subsection. Beginning on January 1, 2006, the
12 age-related rates are \$317 for a child under 5 years of age; \$346 for a child 5 to 11
13 years of age; \$394 for a child 12 to 14 years of age; and \$411 2008, the age-related
14 rates are \$333 for a child under 5 years of age; \$363 for a child 5 to 11 years of age;
15 \$414 for a child 12 to 14 years of age; and \$432 for a child 15 years of age or over.
16 Beginning on January 1, 2009, the age-related rates are \$349 for a child under 5
17 years of age; \$381 for a child 5 to 11 years of age; \$433 for a child 12 to 14 years of
18 age; and \$452 for a child 15 years of age or over. In addition to these grants for basic
19 maintenance, the department shall make supplemental payments for special needs,
20 exceptional circumstances, care in a treatment foster home, and initial clothing
21 allowances according to rules promulgated by the department.

22 **SECTION 1323.** 48.62 (5) (d) of the statutes is amended to read:

23 48.62 (5) (d) The department shall request from the secretary of the federal
24 department of health and human services a waiver of the requirements under 42
25 USC 670 to 679a that would authorize the state to receive federal foster care and

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

12 **SECTION 1324.** 48.627 (2) (c) of the statutes is amended to read:

13 48.627 (2) (c) The department shall conduct a study to determine the
14 cost-effectiveness of purchasing insurance to provide standard homeowner's or
15 renter's liability insurance coverage for applicants who are granted a waiver under
16 par. (b). If the department determines that it would be cost-effective to purchase
17 such insurance, it may purchase the insurance from the appropriations under s.
18 ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

19 **SECTION 1325.** 48.627 (2c) of the statutes is amended to read:

20 48.627 (2c) The department shall determine the cost-effectiveness of
21 purchasing private insurance that would provide coverage to foster, treatment foster,
22 and family-operated group home parents for acts or omissions by or affecting a child
23 who is placed in a foster home, a treatment foster home, or a family-operated group
24 home. If this private insurance is cost-effective and available, the department shall
25 purchase the insurance from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf)

1 and (pd). If the insurance is unavailable, payment of claims for acts or omissions by
2 or affecting a child who is placed in a foster home, a treatment foster home, or a
3 family-operated group home shall be in accordance with subs. (2m) to (3).

4 **SECTION 1326.** 48.627 (2m) of the statutes is amended to read:

5 48.627 (2m) Within the limits of the appropriations under s. ~~20.435 (3)~~ 20.437
6 (1) (cf) and (pd), the department shall pay claims to the extent not covered by any
7 other insurance and subject to the limitations specified in sub. (3), for bodily injury
8 or property damage sustained by a licensed foster, treatment foster, or
9 family-operated group home parent or a member of the foster, treatment foster, or
10 family-operated group home parent's family as a result of the act of a child in the
11 foster, treatment foster, or family-operated group home parent's care.

12 **SECTION 1327.** 48.627 (2s) (intro.) of the statutes is amended to read:

13 48.627 (2s) (intro.) Within the limits of the appropriations under s. ~~20.435 (3)~~
14 20.437 (1) (cf) and (pd), the department may pay claims to the extent not covered by
15 any other insurance and subject to the limitations specified in sub. (3), for all of the
16 following:

17 **SECTION 1328.** 48.627 (3) (f) of the statutes is amended to read:

18 48.627 (3) (f) If the total amount of the claims approved during any calendar
19 quarter exceeds 25% of the total funds available during the fiscal year for purposes
20 of this subsection plus any unencumbered funds remaining from the previous
21 quarter, the department shall prorate the available funds among the claimants with
22 approved claims. The department shall also prorate any unencumbered funds
23 remaining in the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (cf) at the end of each
24 fiscal year among the claimants whose claims were prorated during the fiscal year.
25 Payment of a prorated amount from unencumbered funds remaining at the end of

1 the fiscal year constitutes a complete payment of the claim for purposes of this
2 program, but does not prohibit a foster parent or treatment foster parent from
3 submitting a claim under s. 16.007 for the unpaid portion.

4 **SECTION 1329.** 48.627 (4) of the statutes is amended to read:

5 48.627 (4) Except as provided in s. 895.485, the department is not liable for any
6 act or omission by or affecting a child who is placed in a foster home, treatment foster
7 home, or family-operated group home, but shall, as provided in this section, pay
8 claims described under sub. (2m) and may pay claims described under sub. (2s) or
9 may purchase insurance to cover such claims as provided for under sub. (2c), within
10 the limits of the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

11 **SECTION 1330.** 48.63 (1) of the statutes is amended to read:

12 48.63 (1) Acting under court order or voluntary agreement, the child's parent
13 or guardian or the department of ~~health and family services~~, the department of
14 corrections, a county department, or a child welfare agency licensed to place children
15 in foster homes, treatment foster homes, or group homes may place a child or
16 negotiate or act as intermediary for the placement of a child in a foster home,
17 treatment foster home, or group home. Voluntary agreements under this subsection
18 may not be used for placements in facilities other than foster, treatment foster, or
19 group homes and may not be extended. A foster home or treatment foster home
20 placement under a voluntary agreement may not exceed 180 days from the date on
21 which the child was removed from the home under the voluntary agreement. A group
22 home placement under a voluntary agreement may not exceed 15 days from the date
23 on which the child was removed from the home under the voluntary agreement,
24 except as provided in sub. (5). These time limitations do not apply to placements
25 made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be

1 made only under this subsection and sub. (5) (b) and shall be in writing and shall
2 specifically state that the agreement may be terminated at any time by the parent
3 or guardian or by the child if the child's consent to the agreement is required. The
4 child's consent to the agreement is required whenever the child is 12 years of age or
5 older. If a county department, the department, or the department of corrections
6 places a child or negotiates or acts as intermediary for the placement of a child under
7 this subsection, the voluntary agreement shall also specifically state that the county
8 department, department, or department of corrections has placement and care
9 responsibility for the child as required under 42 USC 672 (a) (2) and has primary
10 responsibility for providing services to the child.

11 **SECTION 1331.** 48.64 (1) of the statutes is amended to read:

12 48.64 (1) DEFINITION. In this section, "agency" means the department of health
13 and family services, the department of corrections, a county department, or a
14 licensed child welfare agency authorized to place children in foster homes, treatment
15 foster homes, or group homes.

16 **SECTION 1332.** 48.651 (1) (intro.) of the statutes is amended to read:

17 48.651 (1) (intro.) Each county department shall certify, according to the
18 standards adopted by the department of workforce development under s. 49.155 (1d),
19 each day care provider reimbursed for child care services provided to families
20 determined eligible under s. 49.155, unless the provider is a day care center licensed
21 under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county
22 may charge a fee to cover the costs of certification. To be certified under this section,
23 a person must meet the minimum requirements for certification established by the
24 department of workforce development under s. 49.155 (1d), meet the requirements

1 specified in s. 48.685 and pay the fee specified in this section. The county shall certify
2 the following categories of day care providers:

3 **SECTION 1333.** 48.651 (1) (a) of the statutes is amended to read:

4 48.651 (1) (a) Level I certified family day care providers, as established by the
5 department of ~~workforce development~~ under s. 49.155 (1d). No county may certify
6 a provider under this paragraph if the provider is a relative of all of the children for
7 whom he or she provides care.

8 **SECTION 1334.** 48.651 (1) (b) of the statutes is amended to read:

9 48.651 (1) (b) Level II certified family day care providers, as established by the
10 department of ~~workforce development~~, under s. 49.155 (1d).

11 **SECTION 1335.** 48.651 (2m) of the statutes is amended to read:

12 48.651 (2m) Each county department shall provide the department of health
13 and family services with information about each person who is denied certification
14 for a reason specified in s. 48.685 (4m) (a) 1. to 5.

15 **SECTION 1338.** 48.66 (1) (a) of the statutes is amended to read:

16 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall
17 license and supervise child welfare agencies, as required by s. 48.60, group homes,
18 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care
19 centers, as required by s. 48.65. The department may license foster homes or
20 treatment foster homes, as provided by s. 48.62, and may license and supervise
21 county departments in accordance with the procedures specified in this section and
22 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the
23 records and visit the premises of all child welfare agencies, group homes, shelter care
24 facilities, and day care centers and visit the premises of all foster homes and
25 treatment foster homes in which children are placed.

"D"
cont.

1 **SECTION 1339.** 48.66 (2m) (a) 1. of the statutes is amended to read:

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

10 **SECTION 1340.** 48.66 (2m) (a) 2. of the statutes is amended to read:

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

17 **SECTION 1341.** 48.66 (2m) (am) 2. of the statutes is amended to read:

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

24 **SECTION 1342.** 48.66 (2m) (b) of the statutes is amended to read:

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

10 **SECTION 1343.** 48.66 (2m) (c) of the statutes is amended to read:

11 48.66 **(2m)** (c) The subunit of the department of health and family services that
12 obtains a social security number or a federal employer identification number under
13 par. (a) 1. may not disclose any that information ~~obtained under par. (a) 1.~~ to any
14 person except to the department of revenue for the sole purpose of requesting
15 certifications under s. 73.0301 or on the request of the subunit of the department of
16 workforce development that administers the child and spousal support program
17 under s. 49.22 (2m).

18 **SECTION 1344.** 48.66 (2m) (cm) of the statutes is amended to read:

19 48.66 **(2m)** (cm) The department of corrections may not disclose any
20 information obtained under par. (am) 1. to any person except on the request of the
21 department of ~~workforce development~~ under s. 49.22 (2m).

22 **SECTION 1345.** 48.675 (3) (intro.) of the statutes is amended to read:

23 48.675 **(3)** SUPPORT SERVICES. (intro.) The department shall provide funds from
24 the appropriation under s. ~~20.435 (6)~~ 20.437 (1) (a) to enable foster parents and
25 treatment foster parents to attend education programs approved under sub. (2) and

1 shall promulgate rules concerning disbursement of the funds. Moneys disbursed
2 under this subsection may be used for the following purposes:

3 **SECTION 1346.** 48.685 (1) (bg) of the statutes is repealed.

4 **SECTION 1347.** 48.685 (1) (d) of the statutes is repealed.

5 **SECTION 1348.** 48.685 (2) (am) 5. of the statutes is amended to read:

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

17 **SECTION 1349.** 48.685 (2) (b) 1. (intro.) of the statutes is amended to read:

18 48.685 (2) (b) 1. (intro.) Every entity shall obtain all of the following with
19 respect to a caregiver specified in sub. (1) (ag) 1. a. of the entity:

20 **SECTION 1350.** 48.685 (2) (b) 1. e. of the statutes is amended to read:

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

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

6 **SECTION 1351.** 48.685 (2) (c) of the statutes is created to read:

7 48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)
8 is seeking an initial license to operate a foster home or treatment foster home or is
9 seeking relicensure after a break in licensure, the department, county department,
10 or child welfare agency shall request under 42 USC 16962 (b) a fingerprint-based
11 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
12 (A). The department, county department, or child welfare agency may release any
13 information obtained under this subdivision only as permitted under 42 USC 16962
14 (e).

15 2. If the person who is the subject of the search under par. (am) is seeking a
16 license to operate a foster home or treatment foster home or is an adult nonclient
17 resident of the foster home or treatment foster home and if the person is not, or at
18 any time within the 5 years preceding the date of the search has not been, a resident
19 of this state, the department, county department, or child welfare agency shall check
20 any child abuse or neglect registry maintained by any state or other U.S. jurisdiction
21 in which the person is a resident or was a resident within those 5 years for
22 information that is equivalent to the information specified in par. (am) 4. The
23 department, county department, or child welfare agency may not use any
24 information obtained under this subdivision for any purpose other than a search of
25 the person's background under par. (am).

1 **SECTION 1352.** 48.685 (3) (a) of the statutes is amended to read:

2 48.685 (3) (a) Every 4 years or at any time within that period that the
3 department, a county department, a child welfare agency, or a school board considers
4 appropriate, the department, county department, child welfare agency, or school
5 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
6 caregivers specified in sub. (1) (ag) 1. b. who are licensed, certified, or contracted to
7 operate an entity, for all persons who are nonclient residents of an entity such a
8 caregiver, and for all persons under 18 years of age, but not under 12 years of age,
9 who are caregivers of a day care center that is licensed under s. 48.65 or established
10 or contracted for under s. 120.13 (4) or of a day care provider that is certified under
11 s. 48.651.

12 **SECTION 1353.** 48.685 (3) (b) of the statutes is amended to read:

13 48.685 (3) (b) Every 4 years or at any time within that period that an entity
14 considers appropriate, the entity shall request the information specified in sub. (2)
15 (b) 1. a. to e. for all persons who are caregivers specified in sub. (1) (ag) 1. a. of the
16 entity other than persons under 18 years of age, but not under 12 years of age, who
17 are caregivers of a day care center that is licensed under s. 48.65 or established or
18 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.
19 48.651.

20 **SECTION 1354.** 48.685 (4m) (b) (intro.) of the statutes is amended to read:

21 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
22 sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)
23 (ag) 1. a. or permit a nonclient resident to reside at the entity if the entity knows or
24 should have known any of the following:

25 **SECTION 1355.** 48.685 (5) (a) of the statutes is amended to read:

1 48.685 (5) (a) The Subject to par. (bm), the department may license to operate
2 an entity, a county department may certify under s. 48.651, a county department or
3 a child welfare agency may license under s. 48.62 and a school board may contract
4 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or
5 contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may
6 employ, contract with, or permit to reside at the entity a person who otherwise may
7 not be employed, contracted with, or permitted to reside at the entity for a reason
8 specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the
9 county department, the child welfare agency, or the school board or, in the case of an
10 entity that is located within the boundaries of a reservation, to the person or body
11 designated by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and
12 in accordance with procedures established by the department by rule or by the tribe
13 that he or she has been rehabilitated.

14 **SECTION 1356.** 48.685 (5) (bm) (intro.) of the statutes is amended to read:

15 48.685 (5) (bm) (intro.) For purposes of licensing a foster home or treatment
16 foster home for the placement of a child on whose behalf foster care maintenance
17 payments under s. 48.62 (4) will be provided, no person who has been convicted of
18 any of the following offenses may be permitted to demonstrate that he or she has been
19 rehabilitated:

20 **SECTION 1357.** 48.685 (5c) (a) of the statutes is amended to read:

21 48.685 (5c) (a) Any person who is permitted but fails under sub. (5) (a) to
22 demonstrate to the department or a child welfare agency that he or she has been
23 rehabilitated may appeal to the secretary of ~~health and family services~~ or his or her
24 designee. Any person who is adversely affected by a decision of the secretary or his

1 or her designee under this paragraph has a right to a contested case hearing under
2 ch. 227.

3 **SECTION 1358.** 48.685 (8) of the statutes is amended to read:

4 48.685 (8) The department, the department of health and family services, a
5 county department, a child welfare agency, or a school board may charge a fee for
6 obtaining the information required under sub. (2) (am) or (3) (a) or for providing
7 information to an entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b).
8 The fee may not exceed the reasonable cost of obtaining the information. No fee may
9 be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or
10 maintaining information if to do so would be inconsistent with federal law.

11 **SECTION 1359.** 48.715 (6) of the statutes is amended to read:

12 48.715 (6) The department of ~~health and family services~~ shall deny, suspend,
13 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
14 probationary license under s. 48.69 to operate a child welfare agency, group home,
15 shelter care facility, or day care center, and the department of corrections shall deny,
16 suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1)
17 (b) to operate a secured residential care center for children and youth, for failure of
18 the applicant or licensee to pay court-ordered payments of child or family support,
19 maintenance, birth expenses, medical expenses, or other expenses related to the
20 support of a child or former spouse or for failure of the applicant or licensee to comply,
21 after appropriate notice, with a subpoena or warrant issued by the department of
22 ~~workforce development~~ or a county child support agency under s. 59.53 (5) and
23 related to paternity or child support proceedings, as provided in a memorandum of
24 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action

1 taken under this subsection is subject to review only as provided in the memorandum
2 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

3 **SECTION 1360.** 48.743 of the statutes is created to read:

4 **48.743 Community living arrangements for children.** (1) In this section,
5 “community living arrangement for children” means a residential care center for
6 children and youth or a group home.

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

10 (3) The department shall designate a subunit to keep records and supply
11 information on community living arrangements for children under ss. 59.69 (15) (f),
12 60.63 (7), and 62.23 (7) (i) 6. The subunit shall be responsible for receiving all
13 complaints regarding community living arrangements for children and for
14 coordinating all necessary investigatory and disciplinary actions under the laws of
15 this state and under the rules of the department relating to the licensing of
16 community living arrangements for children.

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

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

9 **SECTION 1361.** 48.745 (5) of the statutes is amended to read:

10 48.745 (5) If the county department designates the department to receive
11 formal complaints, the subunit under s. ~~46.03 (22) (e)~~ 48.743 (3) shall receive the
12 complaints and the department shall have all the powers and duties granted to the
13 county department in this section.

14 **SECTION 1362.** 48.75 (1g) (c) 1. of the statutes is amended to read:

15 48.75 (1g) (c) 1. A statement that the public licensing agency issuing the license
16 ~~is responsible~~ has placement and care responsibility for the child as required under
17 42 USC 672 (a) (2) and has primary responsibility for providing services to the child
18 who is placed in the foster home, as specified in the agreement.

19 **SECTION 1363.** 48.75 (1m) of the statutes is amended to read:

20 48.75 (1m) Each child welfare agency and public licensing agency shall provide
21 ~~the subunit of the department that administers s. 48.685~~ of health and family
22 services with information about each person who is denied a license for a reason
23 specified in s. 48.685 (4m) (a) 1. to 5.

24 **SECTION 1364.** 48.78 (2) (h) of the statutes is amended to read:

1 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county
2 department, or a licensed child welfare agency from entering the content of any
3 record kept or information received by the department, county department, or
4 licensed child welfare agency into the statewide automated child welfare
5 information system established under s. ~~46.03~~ 48.47 (7g).

6 **SECTION 1365.** 48.839 (1) (d) of the statutes is amended to read:

7 48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county
8 department or child welfare agency before the child is adopted, the department shall
9 periodically bill the guardian and the surety under s. ~~46.03 (18) (b) or 46.10~~ 49.32 (1)
10 (b) or 49.345 for the cost of care and maintenance of the child until the child is adopted
11 or becomes age 18, whichever is earlier. The guardian and surety shall also be liable
12 under the bond for costs incurred by the department in enforcing the bond against
13 the guardian and surety.

14 **SECTION 1366.** 48.839 (1) (e) of the statutes is amended to read:

15 48.839 (1) (e) This section does not preclude the department or any other
16 agency given custody of a child under sub. (4) (b) from collecting under s. ~~46.03 (18)~~
17 (b) or 46.10 49.32 (1) (b) or 49.345 from the former guardian for costs in excess of the
18 amount recovered under the bond incurred in enforcing the bond and providing care
19 and maintenance for the child until he or she reaches age 18 or is adopted.

20 **SECTION 1366m.** 48.84 (1) of the statutes, as created by 2005 Wisconsin Act
21 293, is amended to read:

22 48.84 (1) Before a child may be placed under s. 48.833 for adoption by a
23 proposed adoptive parent who has not previously adopted a child, before a proposed
24 adoptive parent who has not previously adopted a child may petition for placement
25 of a child for adoption under s. 48.837, and before a proposed adoptive parent who

1 has not previously adopted a child may bring a child into this state for adoption under
2 s. 48.839, the proposed adoptive parent shall complete the preadoption preparation
3 required under this section. The preparation shall be provided by a licensed child
4 welfare agency, a licensed private adoption agency, the state adoption information
5 exchange under s. 48.55, the state adoption center under s. 48.55, a state-funded
6 foster care and adoption resource center, ~~or~~ a state-funded postadoption resource
7 center, a technical college district school, or an institution or college campus within
8 the University of Wisconsin System. If the proposed adoptive parent does not reside
9 in this state, he or she may meet this requirement by obtaining equivalent
10 preparation in his or her state of residence.

11 **SECTION 1367.** 48.88 (2) (am) of the statutes is created to read:

12 48.88 (2) (am) 1. If the petitioner was required to obtain an initial license to
13 operate a foster home or treatment foster home before placement of the child for
14 adoption or relicensure after a break in licensure, the agency making the
15 investigation shall obtain a criminal history search from the records maintained by
16 the department of justice and request under 42 USC 16962 (b) a fingerprint-based
17 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
18 (A), with respect to the petitioner. The agency may release any information obtained
19 under this subdivision only as permitted under 42 USC 16962 (e). In the case of a
20 child on whose behalf adoption assistance payments will be provided under s. 48.975,
21 if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm)
22 1. to 4., the agency may not report that the petitioner's home is suitable for the child.

23 2. If the petitioner was required to obtain a license to operate a foster home or
24 treatment foster home before placement of the child for adoption, the agency making
25 the investigation shall obtain information maintained by the department regarding

1 any substantiated reports of child abuse or neglect against the petitioner and any
2 other adult residing in the petitioner's home. If the petitioner or other adult residing
3 in the petitioner's home is not, or at any time within the 5 years preceding the date
4 of the search has not been, a resident of this state, the agency shall check any child
5 abuse or neglect registry maintained by any state or other U.S. jurisdiction in which
6 the petitioner or other adult is a resident or was a resident within those 5 years for
7 information that is equivalent to the information maintained by the department
8 regarding substantiated reports of child abuse or neglect. The agency may not use
9 any information obtained under this subdivision for any purpose other than a
10 background search under this subdivision.

11 **SECTION 1368.** 48.93 (1d) of the statutes is amended to read:

12 48.93 (1d) All records and papers pertaining to an adoption proceeding shall
13 be kept in a separate locked file and may not be disclosed except under sub. (1g) or
14 (1r), s. ~~46.03 (29)~~, 48.432, 48.433, 48.434, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order
15 of the court for good cause shown.

16 **SECTION 1369.** 48.98 (2) (d) of the statutes is amended to read:

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

22 **SECTION 1370.** 48.981 (3) (c) 8. of the statutes is amended to read:

23 48.981 (3) (c) 8. Using the format prescribed by the department, each county
24 department shall provide the department with information about each report that
25 the county department receives or that is received by a licensed child welfare agency

1 that is under contract with the county department and about each investigation that
2 the county department or a licensed child welfare agency under contract with the
3 county department conducts. Using the format prescribed by the department, a
4 licensed child welfare agency under contract with the department shall provide the
5 department with information about each report that the child welfare agency
6 receives and about each investigation that the child welfare agency conducts. ~~This~~
7 ~~information shall be used by the~~ The department shall use the information to
8 monitor services provided by county departments or licensed child welfare agencies
9 under contract with county departments or the department. The department shall
10 use nonidentifying information to maintain statewide statistics on child abuse and
11 neglect and on unborn child abuse, and for planning and policy development
12 purposes.

13 **SECTION 1371.** 48.981 (7) (dm) of the statutes is amended to read:

14 48.981 (7) (dm) Notwithstanding par. (a), an agency may enter the content of
15 any report or record maintained by the agency into the statewide automated child
16 welfare information system established under s. ~~46.03~~ 48.47 (7g).

17 **SECTION 1372.** 48.981 (8) (a) of the statutes is amended to read:

18 48.981 (8) (a) The department, the county departments, and a licensed child
19 welfare agency under contract with the department in a county having a population
20 of 500,000 or more to the extent feasible shall conduct continuing education and
21 training programs for staff of the department, the county departments, licensed
22 child welfare agencies under contract with the department or a county department,
23 law enforcement agencies, and the tribal social services departments, persons and
24 officials required to report, the general public, and others as appropriate. The
25 programs shall be designed to encourage reporting of child abuse and neglect and of

1 unborn child abuse, to encourage self-reporting and voluntary acceptance of services
2 and to improve communication, cooperation, and coordination in the identification,
3 prevention, and treatment of child abuse and neglect and of unborn child abuse.
4 Programs provided for staff of the department, county departments, and licensed
5 child welfare agencies under contract with county departments or the department
6 whose responsibilities include the investigation or treatment of child abuse or
7 neglect shall also be designed to provide information on means of recognizing and
8 appropriately responding to domestic abuse, as defined in s. 46.95 49.165 (1) (a). The
9 department, the county departments, and a licensed child welfare agency under
10 contract with the department in a county having a population of 500,000 or more
11 shall develop public information programs about child abuse and neglect and about
12 unborn child abuse.

13 **SECTION 1373.** 48.981 (8) (d) 1. of the statutes is amended to read:

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

22 **SECTION 1374.** 48.982 (2) (g) (intro.) of the statutes is amended to read:

23 48.982 (2) (g) (intro.) In coordination with the departments of health and family
24 services and department and the department of public instruction:

25 **SECTION 1383.** 48.985 (1) of the statutes is amended to read:

1 48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.
2 ~~20.435 (3)~~ 20.437 (1) (n), the department shall expend not more than \$273,700 in each
3 fiscal year of the moneys received under 42 USC 620 to 626 for the department's
4 expenses in connection with administering the expenditure of funds received under
5 42 USC 620 to 626 and for child abuse and neglect and unborn child abuse
6 independent investigations.

7 **SECTION 1384.** 48.985 (2) of the statutes is amended to read:

8 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the
9 appropriation under s. ~~20.435 (7)~~ 20.437 (1) (o), the department shall distribute not
10 more than ~~\$3,809,600~~ \$3,554,300 in each fiscal year of the moneys received under
11 42 USC 620 to 626 to county departments ~~under ss. 46.215, 46.22, and 46.23~~ for the
12 provision or purchase of child welfare projects and services, for services to children
13 and families, for services to the expectant mothers of unborn children, and for
14 family-based child welfare services.

15 **SECTION 1385.** 48.985 (4) of the statutes is amended to read:

16 48.985 (4) RUNAWAY SERVICES. From the appropriation under s. ~~20.435 (3)~~
17 20.437 (1) (na) for runaway services, not more than \$458,600 in each fiscal year.

18 **SECTION 1386.** 48.985 (5) of the statutes is repealed.

19 **SECTION 1387.** 48.989 (1) (a) of the statutes is amended to read:

20 48.989 (1) (a) "Appropriate authority in the receiving state" means the
21 department of ~~health and family services~~.

22 **SECTION 1388.** 48.989 (1) (b) of the statutes is amended to read:

23 48.989 (1) (b) "Appropriate public authorities" means the department of ~~health~~
24 and family services, which shall receive and act with reference to notices required
25 by s. 48.988 (3).

1 SUBCHAPTER III

2 ECONOMIC CHILDREN AND FAMILY

3 SUPPORT AND WORK PROGRAMS SERVICES

4 **SECTION 1395.** 49.11 (1) of the statutes is amended to read:

5 49.11 (1) "Department" means the department of ~~workforce development~~
6 children and families.

7 **SECTION 1396.** 49.11 (2) of the statutes is amended to read:

8 49.11 (2) "Secretary" means the secretary of ~~workforce development~~ children
9 and families.

10 **SECTION 1397.** 49.13 (title) of the statutes is renumbered 49.79 (9) (title).

11 **SECTION 1398.** 49.13 (1) of the statutes is repealed.

12 **SECTION 1399.** 49.13 (2) (a) of the statutes is renumbered 49.79 (9) (a) 1. and
13 amended to read:

14 49.79 (9) (a) 1. The department shall ~~contract with the department of health~~
15 ~~and family services as provided under s. 49.79 (10)~~ to administer an employment and
16 training program for recipients under the food stamp program and may contract
17 under s. 49.78 with county departments under ss. 46.215, 46.22, and 46.23, and with
18 tribal governing bodies to carry out the administrative functions. The department
19 may contract, or a county department or tribal governing body may subcontract, with
20 a Wisconsin works Works agency or another provider to administer the employment
21 and training program under this subsection. Except as provided in ~~pars. (b) and (bm)~~
22 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
23 of age who are not participants in a Wisconsin works Works employment position to
24 participate in the employment and training program under this subsection.