



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 48.57 (3p) (h) 2. The request for review shall be filed with the director of the
11 county department or, in a county having a population of 500,000 or more, with the
12 person designated by the secretary of health and family services to receive requests
13 for review filed under this subdivision. If the governing body of a federally
14 recognized American Indian tribe or band has entered into an agreement under sub.
15 (3t) to administer the program under this subsection and sub. (3m), the request for
16 review shall be filed with the person designated by that governing body to receive
17 requests for review filed under this subdivision.

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

19 48.57 (3p) (h) 3. (intro.) The director of the county department, the person
20 designated by the governing body of a federally recognized American Indian tribe or
21 band or, in a county having a population of 500,000 or more, the person designated
22 by the secretary of health and family services shall review the denial of payments or
23 the prohibition on employment or being an adult resident to determine if the
24 conviction record on which the denial or prohibition is based includes any arrests,
25 convictions, or penalties that are likely to adversely affect the child or the ability of

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

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

7 48.57 (3p) (h) 4. If the director of the county department, the person designated
8 by the governing body of the federally recognized American Indian tribe or band or,
9 in a county having a population of 500,000 or more, the person designated by the
10 secretary of ~~health and family services~~ determines that the conviction record on
11 which the denial of payments or the prohibition on employment or being an adult
12 resident is based does not include any arrests, convictions, or penalties that are likely
13 to adversely affect the child or the ability of the kinship care relative to care for the
14 child, the director of the county department, the person designated by the governing
15 body of the federally recognized American Indian tribe or band, or the person
16 designated by the secretary of ~~health and family services~~ may approve the making
17 of payments under sub. (3m) or may permit a person receiving payments under sub.
18 (3m) to employ a person in a position in which that person would have regular contact
19 with the child for whom payments are being made or permit a person to be an adult
20 resident.

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

22 48.57 (3p) (i) A county department and, in a county having a population of
23 500,000 or more, the department of ~~health and family services~~ shall keep
24 confidential all information received under this subsection from the department of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 48.62 (4) Monthly payments in foster care shall be provided according to the
2 age-related rates specified in this subsection. Beginning on January 1, 2006, the
3 ~~age-related rates are \$317 for a child under 5 years of age; \$346 for a child 5 to 11~~
4 ~~years of age; \$394 for a child 12 to 14 years of age; and \$411~~ 2008, the age-related
5 rates are \$333 for a child under 5 years of age; \$363 for a child 5 to 11 years of age;
6 \$414 for a child 12 to 14 years of age; and \$432 for a child 15 years of age or over.
7 Beginning on January 1, 2009, the age-related rates are \$349 for a child under 5
8 years of age; \$381 for a child 5 to 11 years of age; \$433 for a child 12 to 14 years of
9 age; and \$452 for a child 15 years of age or over. In addition to these grants for basic
10 maintenance, the department shall make supplemental payments for special needs,
11 exceptional circumstances, care in a treatment foster home, and initial clothing
12 allowances according to rules promulgated by the department.

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

14 48.62 (5) (d) The department shall request from the secretary of the federal
15 department of health and human services a waiver of the requirements under 42
16 USC 670 to 679a that would authorize the state to receive federal foster care and
17 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of
18 providing care for a child who is in the care of a guardian who was licensed as the
19 child's foster parent or treatment foster parent before the guardianship appointment
20 and who has entered into a subsidized guardianship agreement with the county
21 department or department. If the waiver is approved for a county having a
22 population of 500,000 or more, the department shall provide the monthly payments
23 under par. (a) from the appropriations under s. 20.435-(3) 20.437 (1) (cx), (gx), (kw),
24 and (mx). If the waiver is approved for any other county, the department shall
25 determine which counties are authorized to provide monthly payments under par.

1 (a) or (b), and the county departments of those counties shall provide those payments
2 from moneys received under s. ~~46.495~~ 48.569 (1) (d).

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

4 48.627 (2) (c) The department shall conduct a study to determine the
5 cost-effectiveness of purchasing insurance to provide standard homeowner's or
6 renter's liability insurance coverage for applicants who are granted a waiver under
7 par. (b). If the department determines that it would be cost-effective to purchase
8 such insurance, it may purchase the insurance from the appropriations under s.
9 ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

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

11 48.627 (2c) The department shall determine the cost-effectiveness of
12 purchasing private insurance that would provide coverage to foster, treatment foster,
13 and family-operated group home parents for acts or omissions by or affecting a child
14 who is placed in a foster home, a treatment foster home, or a family-operated group
15 home. If this private insurance is cost-effective and available, the department shall
16 purchase the insurance from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf)
17 and (pd). If the insurance is unavailable, payment of claims for acts or omissions by
18 or affecting a child who is placed in a foster home, a treatment foster home, or a
19 family-operated group home shall be in accordance with subs. (2m) to (3).

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

21 48.627 (2m) Within the limits of the appropriations under s. ~~20.435 (3)~~ 20.437
22 (1) (cf) and (pd), the department shall pay claims to the extent not covered by any
23 other insurance and subject to the limitations specified in sub. (3), for bodily injury
24 or property damage sustained by a licensed foster, treatment foster, or
25 family-operated group home parent or a member of the foster, treatment foster, or

1 family-operated group home parent's family as a result of the act of a child in the
2 foster, treatment foster, or family-operated group home parent's care.

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

4 48.627 (2s) (intro.) Within the limits of the appropriations under s. ~~20.435 (3)~~
5 20.437 (1) (cf) and (pd), the department may pay claims to the extent not covered by
6 any other insurance and subject to the limitations specified in sub. (3), for all of the
7 following:

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

9 48.627 (3) (f) If the total amount of the claims approved during any calendar
10 quarter exceeds 25% of the total funds available during the fiscal year for purposes
11 of this subsection plus any unencumbered funds remaining from the previous
12 quarter, the department shall prorate the available funds among the claimants with
13 approved claims. The department shall also prorate any unencumbered funds
14 remaining in the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (cf) at the end of each
15 fiscal year among the claimants whose claims were prorated during the fiscal year.
16 Payment of a prorated amount from unencumbered funds remaining at the end of
17 the fiscal year constitutes a complete payment of the claim for purposes of this
18 program, but does not prohibit a foster parent or treatment foster parent from
19 submitting a claim under s. 16.007 for the unpaid portion.

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

21 48.627 (4) Except as provided in s. 895.485, the department is not liable for any
22 act or omission by or affecting a child who is placed in a foster home, treatment foster
23 home, or family-operated group home, but shall, as provided in this section, pay
24 claims described under sub. (2m) and may pay claims described under sub. (2s) or

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1 may purchase insurance to cover such claims as provided for under sub. (2c), within
2 the limits of the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

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

4 48.63 (1) Acting under court order or voluntary agreement, the child's parent
5 or guardian or the department of health and family services, the department of
6 corrections, a county department, or a child welfare agency licensed to place children
7 in foster homes, treatment foster homes, or group homes may place a child or
8 negotiate or act as intermediary for the placement of a child in a foster home,
9 treatment foster home, or group home. Voluntary agreements under this subsection
10 may not be used for placements in facilities other than foster, treatment foster, or
11 group homes and may not be extended. A foster home or treatment foster home
12 placement under a voluntary agreement may not exceed 180 days from the date on
13 which the child was removed from the home under the voluntary agreement. A group
14 home placement under a voluntary agreement may not exceed 15 days from the date
15 on which the child was removed from the home under the voluntary agreement,
16 except as provided in sub. (5). These time limitations do not apply to placements
17 made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be
18 made only under this subsection and sub. (5) (b) and shall be in writing and shall
19 specifically state that the agreement may be terminated at any time by the parent
20 or guardian or by the child if the child's consent to the agreement is required. The
21 child's consent to the agreement is required whenever the child is 12 years of age or
22 older. If a county department, the department, or the department of corrections
23 places a child or negotiates or acts as intermediary for the placement of a child under
24 this subsection, the voluntary agreement shall also specifically state that the county
25 department, department, or department of corrections has placement and care

1 responsibility for the child as required under 42 USC 672 (a) (2) and has primary
2 responsibility for providing services to the child.

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

4 48.64 (1) DEFINITION. In this section, "agency" means the department of health
5 and family services, the department of corrections, a county department, or a
6 licensed child welfare agency authorized to place children in foster homes, treatment
7 foster homes, or group homes.

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

9 48.651 (1) (intro.) Each county department shall certify, according to the
10 standards adopted by the department of workforce development under s. 49.155 (1d),
11 each day care provider reimbursed for child care services provided to families
12 determined eligible under s. 49.155, unless the provider is a day care center licensed
13 under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county
14 may charge a fee to cover the costs of certification. To be certified under this section,
15 a person must meet the minimum requirements for certification established by the
16 department of workforce development under s. 49.155 (1d), meet the requirements
17 specified in s. 48.685 and pay the fee specified in this section. The county shall certify
18 the following categories of day care providers:

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

20 48.651 (1) (a) Level I certified family day care providers, as established by the
21 department of workforce development under s. 49.155 (1d). No county may certify
22 a provider under this paragraph if the provider is a relative of all of the children for
23 whom he or she provides care.

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

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

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

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

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

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

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

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

1 individual to provide that department with the applicant's federal employer
2 identification number, when initially applying for or applying to continue the license.

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

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

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

11 48.66 (2m) (am) 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 corrections that the applicant does not have
14 a social security number. The form of the statement shall be prescribed by the
15 department of ~~workforce development~~. A license issued in reliance upon a false
16 statement submitted under this subdivision is invalid.

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

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

1 applicant submits a statement made or subscribed under oath or affirmation as
2 required under par. (a) 2.

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

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

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

12 48.66 (2m) (cm) The department of corrections may not disclose any
13 information obtained under par. (am) 1. to any person except on the request of the
14 department of ~~workforce development~~ under s. 49.22 (2m).

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

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

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

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

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

24 48.685 (2) (am) 5. Information maintained by the department of health and
25 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13

1 (14) regarding any denial to the person of a license, continuation or renewal of a
2 license, certification, or a contract to operate an entity for a reason specified in sub.
3 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
4 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
5 5. If the information obtained under this subdivision indicates that the person has
6 been denied a license, continuation or renewal of a license, certification, a contract,
7 employment, or permission to reside as described in this subdivision, the
8 department, a county department, a child welfare agency or a school board need not
9 obtain the information specified in subds. 1. to 4.

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

11 48.685 (2) (b) 1. (intro.) Every entity shall obtain all of the following with
12 respect to a caregiver specified in sub. (1) (ag) 1. a. of the entity:

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

14 48.685 (2) (b) 1. e. Information maintained by the department of health and
15 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13
16 (14) regarding any denial to the person of a license, continuation or renewal of a
17 license, certification, or a contract to operate an entity for a reason specified in sub.
18 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
19 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
20 5. If the information obtained under this subd. 1. e. indicates that the person has
21 been denied a license, continuation or renewal of a license, certification, a contract,
22 employment, or permission to reside as described in this subd. 1. e., the entity need
23 not obtain the information specified in subd. 1. a. to d.

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

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

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

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

21 48.685 (3) (a) Every 4 years or at any time within that period that the
22 department, a county department, a child welfare agency, or a school board considers
23 appropriate, the department, county department, child welfare agency, or school
24 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
25 caregivers specified in sub. (1) (ag) 1. b. who are licensed, certified, or contracted to

1 operate an entity, for all persons who are nonclient residents of ~~an entity~~ such a
2 caregiver, and for all persons under 18 years of age, but not under 12 years of age,
3 who are caregivers of a day care center that is licensed under s. 48.65 or established
4 or contracted for under s. 120.13 (4) or of a day care provider that is certified under
5 s. 48.651.

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

7 48.685 (3) (b) Every 4 years or at any time within that period that an entity
8 considers appropriate, the entity shall request the information specified in sub. (2)
9 (b) 1. a. to e. for all persons who are caregivers specified in sub. (1) (ag) 1. a. of the
10 entity other than persons under 18 years of age, but not under 12 years of age, who
11 are caregivers of a day care center that is licensed under s. 48.65 or established or
12 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.
13 48.651.

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

15 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
16 sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)
17 (ag) 1. a. or permit a nonclient resident to reside at the entity if the entity knows or
18 should have known any of the following:

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

20 48.685 (5) (a) The Subject to par. (bm), the department may license to operate
21 an entity, a county department may certify under s. 48.651, a county department or
22 a child welfare agency may license under s. 48.62 and a school board may contract
23 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or
24 contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may
25 employ, contract with, or permit to reside at the entity a person who otherwise may

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1 not be employed, contracted with, or permitted to reside at the entity for a reason
2 specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the
3 county department, the child welfare agency, or the school board or, in the case of an
4 entity that is located within the boundaries of a reservation, to the person or body
5 designated by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and
6 in accordance with procedures established by the department by rule or by the tribe
7 that he or she has been rehabilitated.

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

9 48.685 (5) (bm) (intro.) For purposes of licensing a foster home or treatment
10 foster home for the placement of a child on whose behalf foster care maintenance
11 payments under s. 48.62 (4) will be provided, no person who has been convicted of
12 any of the following offenses may be permitted to demonstrate that he or she has been
13 rehabilitated:

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

15 48.685 (5c) (a) Any person who is permitted but fails under sub. (5) (a) to
16 demonstrate to the department or a child welfare agency that he or she has been
17 rehabilitated may appeal to the secretary of health and family services or his or her
18 designee. Any person who is adversely affected by a decision of the secretary or his
19 or her designee under this paragraph has a right to a contested case hearing under
20 ch. 227.

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

22 48.685 (8) The department, the department of health and family services, a
23 county department, a child welfare agency, or a school board may charge a fee for
24 obtaining the information required under sub. (2) (am) or (3) (a) or for providing
25 information to an entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b).

1 The fee may not exceed the reasonable cost of obtaining the information. No fee may
2 be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or
3 maintaining information if to do so would be inconsistent with federal law.

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

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

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

21 **48.743 Community living arrangements for children.** (1) In this section,
22 "community living arrangement for children" means a residential care center for
23 children and youth or a group home.

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

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

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

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

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

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

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

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

9 48.75 (1g) (c) 1. A statement that the public licensing agency issuing the license
10 is responsible has placement and care responsibility for the child as required under
11 42 USC 672 (a) (2) and has primary responsibility for providing services to the child
12 who is placed in the foster home, as specified in the agreement.

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

14 48.75 (1m) Each child welfare agency and public licensing agency shall provide
15 ~~the subunit of the department that administers s. 48.685~~ of health and family
16 services with information about each person who is denied a license for a reason
17 specified in s. 48.685 (4m) (a) 1. to 5.

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

19 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county
20 department, or a licensed child welfare agency from entering the content of any
21 record kept or information received by the department, county department, or
22 licensed child welfare agency into the statewide automated child welfare
23 information system established under s. ~~46.03~~ 48.47 (7g).

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

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

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

9 48.839 (1) (e) This section does not preclude the department or any other
10 agency given custody of a child under sub. (4) (b) from collecting under s. ~~46.03 (18)~~
11 ~~(b) or 46.10~~ 49.32 (1) (b) or 49.345 from the former guardian for costs in excess of the
12 amount recovered under the bond incurred in enforcing the bond and providing care
13 and maintenance for the child until he or she reaches age 18 or is adopted.

14 **SECTION 1366m.** 48.84 (1) of the statutes, as created by 2005 Wisconsin Act
15 293, is amended to read:

16 48.84 (1) Before a child may be placed under s. 48.833 for adoption by a
17 proposed adoptive parent who has not previously adopted a child, before a proposed
18 adoptive parent who has not previously adopted a child may petition for placement
19 of a child for adoption under s. 48.837, and before a proposed adoptive parent who
20 has not previously adopted a child may bring a child into this state for adoption under
21 s. 48.839, the proposed adoptive parent shall complete the preadoption preparation
22 required under this section. The preparation shall be provided by a licensed child
23 welfare agency, a licensed private adoption agency, the state adoption information
24 exchange under s. 48.55, the state adoption center under s. 48.55, a state-funded
25 foster care and adoption resource center, ~~or a state-funded postadoption resource~~

1 center, a technical college district school, or an institution or college campus within
2 the University of Wisconsin System. If the proposed adoptive parent does not reside
3 in this state, he or she may meet this requirement by obtaining equivalent
4 preparation in his or her state of residence.

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

6 48.88 (2) (am) 1. If the petitioner was required to obtain an initial license to
7 operate a foster home or treatment foster home before placement of the child for
8 adoption or relicensure after a break in licensure, the agency making the
9 investigation shall obtain a criminal history search from the records maintained by
10 the department of justice and 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), with respect to the petitioner. The agency may release any information obtained
13 under this subdivision only as permitted under 42 USC 16962 (e). In the case of a
14 child on whose behalf adoption assistance payments will be provided under s. 48.975,
15 if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm)
16 1. to 4., the agency may not report that the petitioner's home is suitable for the child.

17 2. If the petitioner was required to obtain a license to operate a foster home or
18 treatment foster home before placement of the child for adoption, the agency making
19 the investigation shall obtain information maintained by the department regarding
20 any substantiated reports of child abuse or neglect against the petitioner and any
21 other adult residing in the petitioner's home. If the petitioner or other adult residing
22 in the petitioner's home is not, or at any time within the 5 years preceding the date
23 of the search has not been, a resident of this state, the agency shall check any child
24 abuse or neglect registry maintained by any state or other U.S. jurisdiction in which
25 the petitioner or other adult is a resident or was a resident within those 5 years for

1 information that is equivalent to the information maintained by the department
2 regarding substantiated reports of child abuse or neglect. The agency may not use
3 any information obtained under this subdivision for any purpose other than a
4 background search under this subdivision.

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

6 48.93 (1d) All records and papers pertaining to an adoption proceeding shall
7 be kept in a separate locked file and may not be disclosed except under sub. (1g) or
8 (1r), s. ~~46.03 (29)~~, 48.432, 48.433, 48.434, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order
9 of the court for good cause shown.

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

11 48.98 (2) (d) The department shall periodically bill the person who filed the
12 bond and the surety under s. ~~46.03 (18) (b) or 46.10~~ 49.32 (1) (b) or 49.345 for the cost
13 of care and maintenance of the child until the child is adopted or becomes age 18,
14 whichever is earlier. The guardian and surety shall also be liable under the bond for
15 costs incurred by the department in enforcing the bond.

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

17 48.981 (3) (c) 8. Using the format prescribed by the department, each county
18 department shall provide the department with information about each report that
19 the county department receives or that is received by a licensed child welfare agency
20 that is under contract with the county department and about each investigation that
21 the county department or a licensed child welfare agency under contract with the
22 county department conducts. Using the format prescribed by the department, a
23 licensed child welfare agency under contract with the department shall provide the
24 department with information about each report that the child welfare agency
25 receives and about each investigation that the child welfare agency conducts. This

1 ~~information shall be used by the~~ The department shall use the information to
2 monitor services provided by county departments or licensed child welfare agencies
3 under contract with county departments or the department. The department shall
4 use nonidentifying information to maintain statewide statistics on child abuse and
5 neglect and on unborn child abuse, and for planning and policy development
6 purposes.

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

8 48.981 (7) (dm) Notwithstanding par. (a), an agency may enter the content of
9 any report or record maintained by the agency into the statewide automated child
10 welfare information system established under s. ~~46.03~~ 48.47 (7g).

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

12 48.981 (8) (a) The department, the county departments, and a licensed child
13 welfare agency under contract with the department in a county having a population
14 of 500,000 or more to the extent feasible shall conduct continuing education and
15 training programs for staff of the department, the county departments, licensed
16 child welfare agencies under contract with the department or a county department,
17 law enforcement agencies, and the tribal social services departments, persons and
18 officials required to report, the general public, and others as appropriate. The
19 programs shall be designed to encourage reporting of child abuse and neglect and of
20 unborn child abuse, to encourage self-reporting and voluntary acceptance of services
21 and to improve communication, cooperation, and coordination in the identification,
22 prevention, and treatment of child abuse and neglect and of unborn child abuse.
23 Programs provided for staff of the department, county departments, and licensed
24 child welfare agencies under contract with county departments or the department
25 whose responsibilities include the investigation or treatment of child abuse or

1 neglect shall also be designed to provide information on means of recognizing and
2 appropriately responding to domestic abuse, as defined in s. 46.95 ~~49.165~~ (1) (a). The
3 department, the county departments, and a licensed child welfare agency under
4 contract with the department in a county having a population of 500,000 or more
5 shall develop public information programs about child abuse and neglect and about
6 unborn child abuse.

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

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

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

17 48.982 (2) (g) (intro.) In coordination with the departments of health and family
18 ~~services and department and the department of public instruction:~~

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

20 48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.
21 ~~20.435 (3) 20.437 (1) (n)~~, the department shall expend not more than \$273,700 in each
22 fiscal year of the moneys received under 42 USC 620 to 626 for the department's
23 expenses in connection with administering the expenditure of funds received under
24 42 USC 620 to 626 and for child abuse and neglect and unborn child abuse
25 independent investigations.

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

3 SECTION 1396. 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 1397. 49.13 (title) of the statutes is renumbered 49.79 (9) (title).

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

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

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

21 SECTION 1400. 49.13 (2) (b) of the statutes is renumbered 49.79 (9) (a) 2. and
22 amended to read:

23 49.79 (9) (a) 2. The department may not require an individual who is a recipient
24 under the food stamp program and who is the caretaker of a child ~~who is~~ under the

1 age of 12 weeks to participate in any employment and training program under par.
2 (a) this subsection.

3 **SECTION 1401.** 49.13 (2) (bm) of the statutes is renumbered 49.79 (9) (a) 3. and
4 amended to read:

5 49.79 (9) (a) 3. The department may not require an individual who is a recipient
6 under the food stamp program to participate in any employment and training
7 program under par. (a) this subsection if that individual is enrolled at least half time
8 in a school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of
9 higher education.

10 **SECTION 1402.** 49.13 (2) (cm) of the statutes is renumbered 49.79 (9) (a) 4.

11 **SECTION 1403.** 49.13 (2) (d) of the statutes is renumbered 49.79 (9) (a) 5. and
12 amended to read:

13 49.79 (9) (a) 5. A participant in an employment and training program under
14 this section subsection administered by the department is an employee of the
15 department for purposes of worker's compensation coverage, except to the extent
16 that the person for whom the participant is performing work provides worker's
17 compensation coverage. A participant in an employment and training program
18 under this section subsection administered by a Wisconsin ~~works~~ Works agency or
19 another provider is an employee of the Wisconsin ~~works~~ Works agency or other
20 provider for purposes of worker's compensation coverage, except to the extent that
21 the person for whom the participant is performing work provides worker's
22 compensation coverage.

23 **SECTION 1404.** 49.13 (3) (intro.) of the statutes is renumbered 49.79 (9) (b)
24 (intro.) and amended to read:

1 49.79 (9) (b) (intro.) An individual who fails to comply with the work
2 requirements under sub. ~~(2)~~ par. (a) without good cause is ineligible to participate in
3 the food stamp program under s. 49.79 as follows:

4 **SECTION 1405.** 49.13 (3) (a) of the statutes is renumbered 49.79 (9) (b) 1. and
5 amended to read:

6 49.79 (9) (b) 1. For the first occurrence of noncompliance, one month, or until
7 the person complies with the work requirements under sub. ~~(2)~~ par. (a), whichever
8 is later.

9 **SECTION 1406.** 49.13 (3) (b) of the statutes is renumbered 49.79 (9) (b) 2. and
10 amended to read:

11 49.79 (9) (b) 2. For the 2nd occurrence of noncompliance, 3 months, or until the
12 person complies with the work requirements under sub. ~~(2)~~ par. (a), whichever is
13 later.

14 **SECTION 1407.** 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and
15 amended to read:

16 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
17 months, or until the person complies with the work requirements under sub. ~~(2)~~ par.
18 (a), whichever is later.

19 **SECTION 1407c.** 49.134 (2) (a) of the statutes is amended to read:

20 49.134 (2) (a) From the allocation under s. 49.155 (1g) (d), the department shall
21 make grants to local agencies to fund child care resource and referral services
22 provided by those local agencies. The department shall provide an allocation formula
23 to determine the amount of a grant awarded under this section.

24 **SECTION 1407e.** 49.136 (2) (a) of the statutes is amended to read:

1 49.136 (2) (a) From the allocation under s. 49.155 (1g) (~~d~~), the department may
2 award grants for the start-up or expansion of child care services.

3 **SECTION 1407g.** 49.137 (2) (a) of the statutes is amended to read:

4 49.137 (2) (a) From the allocation under s. 49.155 (1g) (~~d~~), the department may
5 award grants to child care providers that meet the quality of care standards
6 established under s. 49.155 (1d) (b) to improve the retention of skilled and
7 experienced child care staff. In awarding grants under this subsection, the
8 department shall consider the applying child care provider's total enrollment of
9 children and average enrollment of children who receive or are eligible for publicly
10 funded care from the child care provider.

11 **SECTION 1407h.** 49.137 (3) (a) of the statutes is amended to read:

12 49.137 (3) (a) From the allocation under s. 49.155 (1g) (~~d~~), the department may
13 award grants to child care providers for assistance in meeting the quality of care
14 standards established under s. 49.155 (1d) (b).

15 **SECTION 1407i.** 49.137 (4) (intro.) of the statutes is amended to read:

16 49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the
17 allocation under s. 49.155 (1g) (~~d~~), the department may contract with one or more
18 agencies for the provision of training and technical assistance to improve the quality
19 of child care provided in this state. The training and technical assistance activities
20 contracted for under this subsection may include any of the following activities:

21 **SECTION 1407j.** 49.137 (4m) of the statutes is amended to read:

22 49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. From the allocation under
23 s. 49.155 (1g) (~~d~~), the department shall award grants to local governments and tribal
24 governing bodies for programs to improve the quality of child care. The department

1 shall promulgate rules to administer the grant program, including rules that specify
2 the eligibility criteria and procedures for awarding the grants.

3 **SECTION 1408.** 49.138 (1m) (intro.) of the statutes is amended to read:

4 49.138 (1m) (intro.) The department shall implement a program of emergency
5 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or
6 impending homelessness, or energy crisis. The department shall establish the
7 maximum amount of aid to be granted, except for cases of energy crisis, per family
8 member based on the funding available under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md).
9 The department need not establish the maximum amount by rule under ch. 227. The
10 department shall publish the maximum amount and annual changes to it in the
11 Wisconsin administrative register. Emergency assistance provided to needy persons
12 under this section may only be provided to a needy person once in a 12-month period.
13 Emergency assistance provided to needy persons under this section in cases of
14 homelessness or impending homelessness may be used only to obtain or retain a
15 permanent living accommodation. For the purposes of this section, a family is
16 considered to be homeless, or to be facing impending homelessness, if any of the
17 following applies:

18 **SECTION 1409.** 49.143 (2) (b) of the statutes is amended to read:

19 49.143 (2) (b) Establish a children's services network. The children's services
20 network shall provide information about community resources available to the
21 dependent children in a Wisconsin works group, including charitable food and
22 clothing centers; subsidized and low-income housing; transportation subsidies; the
23 state supplemental food program for women, infants and children under s. ~~253.06~~
24 49.17; and child care programs. In a county having a population of 500,000 or more,
25 a children's services network shall, in addition, provide a forum for those persons

1 who are interested in the delivery of child welfare services and other services to
2 children and families in the geographical area under sub. (6) served by that
3 children's services network to communicate with and make recommendations to the
4 providers of those services in that geographical area with respect to the delivery of
5 those services in that area.

6 **SECTION 1409j.** 49.147 (2) (b) of the statutes is renumbered 49.147 (2) (a) 3. and
7 amended to read:

8 49.147 (2) (a) 3. ~~Job search assistance.~~ A Wisconsin works Works agency shall
9 assist a participant in his or her search for unsubsidized employment. ~~In~~
10 ~~determining an appropriate placement for a participant, a Wisconsin works agency~~
11 ~~shall give priority to placement in unsubsidized employment over placements under~~
12 ~~subs. (3) to (5).~~

13 **SECTION 1409m.** 49.147 (2) (bm) of the statutes is created to read:

14 49.147 (2) (bm) *Case management services.* 1. In lieu of placing the individual
15 in a Wisconsin Works employment position under subs. (3) to (5), the department
16 may provide case management services, which may include those services specified
17 in s. 49.1475, to an individual who applies for a Wisconsin Works employment
18 position if the department determines all of the following:

- 19 a. The individual meets the eligibility requirements under s. 49.145 (2) and (3).
20 b. The individual is willing to work and has no barriers to employment.
21 c. The individual is job-ready, based on the individual's employment history or
22 education.
23 d. The most appropriate placement for the individual is in unsubsidized
24 employment.

1 2. In determining an appropriate placement for an applicant, a Wisconsin
2 Works agency shall give priority to placement in unsubsidized employment and
3 providing case management services over placements under subs. (3) to (5).

4 **SECTION 1410.** 49.147 (3m) of the statutes is created to read:

5 49.147 (3m) REAL WORK, REAL PAY PILOT PROJECT. (a) *Administration and*
6 *evaluation.* Except as provided in par. (d), the department shall conduct and
7 evaluate a real work, real pay pilot project from January 1, 2008, to December 31,
8 2009.

9 (b) *Eligibility and project limits.* 1. Except as specifically provided in this
10 subsection, all general and nonfinancial eligibility requirements under s. 49.145
11 apply to participants under this subsection, and all requirements under sub. (3), as
12 they apply to Wisconsin Works agencies, employers, and participants, apply to
13 Wisconsin Works agencies, employers, and participants under this subsection.

14 2. The project shall be limited to 100 individuals and shall be conducted in at
15 least one of the geographical areas established by the department under s. 49.143 (6)
16 that is in Milwaukee County and in at least 2 of those geographical areas that are
17 not in Milwaukee County.

18 (c) *Employer subsidies and reimbursements.* The Wisconsin Works agency
19 shall pay an employer that employs a participant under this subsection a monthly
20 wage subsidy that does not exceed the federal minimum wage for no more than 30
21 hours of work per week. Worksite training activities prescribed by the employer that
22 are consistent with training provided to other employees at the worksite are
23 considered work for purposes of calculating the wage subsidy under this paragraph.
24 In addition to the wage subsidy, the Wisconsin Works agency shall reimburse the

1 employer for up to 100 percent of all of the following costs that are attributable to
2 employment of the participant:

- 3 1. Federal social security taxes.
- 4 2. State and federal unemployment contributions or taxes, if any.
- 5 3. Worker's compensation insurance premiums, if any.

6 (d) *Time-limited participation and payment extension.* An individual may
7 participate in the project under this subsection for a maximum of 6 months, with an
8 opportunity for an extension of up to 3 months. Notwithstanding the ending date for
9 the project, payments under par. (c) for any participant who is accepted into the
10 project before December 31, 2009, shall be made until the participant completes his
11 or her 6-month participation period or any extension to it already commenced before
12 that date.

13 (e) *Mentors and stipends.* The Wisconsin Works agency and employer of a
14 participant under this subsection shall work together to find a mentor for the
15 participant at the participant's work site. The Wisconsin Works agency shall pay
16 each mentor a monthly stipend of \$50.

17 (f) *Employer effort to retain, refer, or evaluate participant.* An employer that
18 employs a participant under this subsection and receives a wage subsidy shall agree
19 to make a good faith effort to retain the participant as a permanent unsubsidized
20 employee after the wage subsidy ends if the participant successfully completes
21 participation in the project under this subsection. An employer shall also agree that,
22 if the employer does not retain a participant as a permanent unsubsidized employee,
23 the employer will serve as an employment reference for the participant or provide
24 to the Wisconsin Works agency a written performance evaluation of the participant,
25 including recommendations for improvements.