



1 **SECTION 1411.** 49.147 (6) (c) of the statutes is amended to read:

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

6 **SECTION 1412.** 49.147 (6) (cm) 1. of the statutes is amended to read:

7 49.147 (6) (cm) 1. The department of ~~workforce development~~ may, in the
8 manner provided in s. 49.85, collect job access loan repayments that are delinquent
9 under the terms of a repayment agreement. The department of ~~workforce~~
10 ~~development~~ shall credit all delinquent repayments collected by the department of
11 revenue as a setoff under s. 71.93 to the appropriation account under s. ~~20.445(3)~~
12 20.437 (2) (jL). Use of the process under s. 49.85 does not preclude the department
13 of ~~workforce development~~ from collecting delinquent repayments through other
14 legal means.

15 **SECTION 1413c.** 49.148 (1m) (title) of the statutes is amended to read:

16 49.148 (1m) (title) CUSTODIAL PARENT OF INFANT; UNMARRIED, PREGNANT WOMAN.

17 **SECTION 1414c.** 49.148 (1m) (a) (intro.) of the statutes is created to read:

18 49.148 (1m) (a) (intro.) Any of the following may receive a monthly grant of
19 \$673:

20 **SECTION 1415c.** 49.148 (1m) (a) of the statutes is renumbered 49.148 (1m) (a)

21 1. and amended to read:

22 49.148 (1m) (a) 1. ~~A~~ An individual who meets the eligibility requirements
23 under s. 49.145 (2) and (3) and who is a custodial parent of a child who is 12 weeks
24 old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may
25 ~~receive a monthly grant of \$673,~~ unless another adult member of the custodial

1 parent's Wisconsin ~~works~~ Works group is participating in, or is eligible to participate
2 in, a Wisconsin ~~works~~ Works employment position or is employed in unsubsidized
3 employment, as defined in s. 49.147 (1) (c).

4 (bm) A Wisconsin ~~works~~ Works agency may not require a participant under this
5 subsection to participate in any employment positions.

6 (c) 1. Receipt of a grant under this subsection by a participant under par. (a)
7 1. does not constitute participation in a Wisconsin ~~works~~ Works employment position
8 ~~for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b) or (5)~~
9 ~~(b) 2.~~ if the child is born to the participant not more than 10 months after the date
10 that the participant was first determined to be eligible for assistance under s. 49.19
11 or for a Wisconsin ~~works~~ Works employment position.

12 **SECTION 1416c.** 49.148 (1m) (a) 2. of the statutes is created to read:

13 49.148 (1m) (a) 2. An unmarried woman who would be eligible under s. 49.145
14 except that she is not a custodial parent of a dependent child and who is in the 3rd
15 trimester of a pregnancy that is medically verified and that is shown by medical
16 documentation to be at risk and to render the woman unable to participate in the
17 workforce.

18 **SECTION 1417c.** 49.148 (1m) (b) of the statutes is renumbered 49.148 (1m) (c)
19 2. and amended to read:

20 49.148 (1m) (c) 2. Receipt of a grant under this subsection by a participant
21 under par. (a) 1. constitutes participation in a Wisconsin ~~works~~ Works employment
22 position ~~for purposes of the time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4)~~
23 ~~(b) or (5) (b) 2.~~ if the child is born to the participant more than 10 months after the
24 date that the participant was first determined to be eligible for assistance under s.
25 49.19 or for a Wisconsin ~~works~~ Works employment position unless the child was

1 conceived as a result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in
2 which the mother did not indicate a freely given agreement to have sexual
3 intercourse or of incest in violation of s. 944.06 or 948.06 and that incest or sexual
4 assault has been reported to a physician and to law enforcement authorities.

5 **SECTION 1418c.** 49.148 (1m) (c) (intro.) of the statutes is created to read:

6 49.148 (1m) (c) (intro.) For purposes of the time limits under ss. 49.145 (2) (n)
7 and 49.147 (3) (c), (4) (b), and (5) (b) 2., all of the following apply:

8 **SECTION 1419c.** 49.148 (1m) (c) 3. of the statutes is created to read:

9 49.148 (1m) (c) 3. Receipt of a grant under this subsection by a participant
10 under par. (a) 2. does not constitute participation in a Wisconsin Works employment
11 position.

12 **SECTION 1418c.** 49.152 (1) of the statutes is amended to read:

13 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any
14 component of Wisconsin works Works is not acted upon by the Wisconsin works
15 Works agency with reasonable promptness after the filing of the application, as
16 defined by the department by rule, or is denied in whole or in part, whose benefit is
17 modified or canceled, or who believes that the benefit was calculated incorrectly or
18 that the employment position in which the individual was placed or providing case
19 management services under s. 49.147 (2) (bm) in lieu of placement in a Wisconsin
20 Works employment position is inappropriate, may petition the Wisconsin works
21 Works agency for a review of such action. Review is unavailable if the action by the
22 Wisconsin works Works agency occurred more than 45 days prior to submission of
23 the petition for review.

24 **SECTION 1419c.** 49.152 (3) (a) of the statutes is amended to read:

1 49.152 (3) (a) If, following review under sub. (2), the Wisconsin ~~works~~ Works
2 agency or the department determines that an individual, whose application for a
3 Wisconsin ~~works~~ Works employment position was denied based on eligibility, was in
4 fact eligible, or that the individual was placed in an inappropriate Wisconsin ~~works~~
5 Works employment position or inappropriately provided case management services
6 under s. 49.147 (2) (bm) in lieu of placement in a Wisconsin Works employment
7 position, the Wisconsin ~~works~~ Works agency shall place the individual in the first
8 available Wisconsin ~~works~~ Works employment position that is appropriate for that
9 individual, as determined by the Wisconsin ~~works~~ Works agency or the department.
10 An individual who is placed in a Wisconsin ~~works~~ Works employment position under
11 this paragraph is eligible for the benefit for that position under s. 49.148 beginning
12 on the date on which the individual begins participation under s. 49.147.

13 **SECTION 1420f.** 49.155 (1) (intro.) of the statutes is amended to read:

14 49.155 (1) DEFINITIONS. (intro.) In this section, except as otherwise provided:

15 **SECTION 1420m.** 49.155 (1g) of the statutes is repealed and recreated to read:

16 49.155 (1g) DISTRIBUTION OF FUNDS. Within the limits of the availability of the
17 federal child care and development block grant funds received under 42 USC 9858,
18 the department shall do all of the following:

19 (a) Subject to sub. (1j), spend no more than the minimum amount required
20 under 42 USC 9858 on programs to improve the quality and availability of child care.
21 From the appropriations under s. 20.445 (3) (cm), (kx), (mc), and (md), the
22 department shall allocate and distribute funding in each fiscal year for all of the
23 following:

24 1. A child care scholarship and bonus program, in the amount of at least
25 \$3,475,000 per fiscal year.

1 2. Grants under s. 49.134 (2) for child day care resource and referral services,
2 in the amount of at least \$1,225,000 per fiscal year.

3 3. A transfer to the appropriation account under s. 20.435 (3) (kx) for child care
4 licensing activities, in the amount of at least \$4,800,600 per fiscal year.

5 4. Grants under s. 49.137 (4m).

6 5. Contracts under s. 49.137 (4) for training and technical assistance.

7 6. The department's share of the costs for the Child Care Information Center
8 operated by the division for libraries, technology, and community learning in the
9 department of public instruction.

10 (b) Subject to sub. (1j), from the appropriations under s. 20.445 (3) (cm), (kx),
11 and (mc), distribute \$1,765,600 in fiscal year 2007-08 and \$1,600,300 in fiscal year
12 2008-09 for administration of the department's office of child care.

13 **SECTION 1420n.** 49.155 (1g) (a) (intro.) and 3. and (b) of the statutes, as affected
14 by 2007 Wisconsin Act (this act), are amended to read:

15 49.155 (1g) (a) (intro.) Subject to sub. (1j), spend no more than the minimum
16 amount required under 42 USC 9858 on programs to improve the quality and
17 availability of child care. From the appropriations under s. ~~20.445 (3)~~ 20.437 (2) (cm),
18 (kx), (mc), and (md), the department shall allocate and distribute funding in each
19 fiscal year for all of the following:

20 3. A transfer to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (kx) for
21 child care licensing activities, in the amount of at least \$4,800,600 per fiscal year.

22 (b) Subject to sub. (1j), from the appropriations under s. ~~20.445 (3)~~ 20.437 (2)
23 (cm), (kx), and (mc), distribute \$1,765,600 in fiscal year 2007-08 and \$1,600,300 in
24 fiscal year 2008-09 for administration of the department's office of child care.

25 **SECTION 1425.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

1 49.155 (1m) (a) 3m. Participate in a job search or work experience component
2 of the food stamp employment and training program under s. ~~49.13~~ 49.79 (9).

3 **SECTION 1433r.** 49.159 (3) of the statutes is amended to read:

4 49.159 (3) OTHER CUSTODIAL PARENTS. A custodial parent in a Wisconsin ~~works~~
5 Works group in which the other custodial parent is a participant in a Wisconsin
6 ~~works~~ Works employment position or is receiving case management services under
7 s. 49.147 (2) (bm) is eligible for employment training and job search assistance
8 services provided by the Wisconsin ~~works~~ Works agency.

9 **SECTION 1433c.** 49.159 (4) of the statutes is amended to read:

10 49.159 (4) PREGNANT WOMEN. A pregnant woman whose pregnancy is medically
11 verified, who would be eligible under s. 49.145 except that she is not a custodial
12 parent of a dependent child, and who does not satisfy the requirements under s.
13 49.148 (1m) (a) 2. is eligible for employment training and job search assistance
14 services provided by the Wisconsin ~~works~~ Works agency.

15 **SECTION 1434.** 49.1635 (1) of the statutes is amended to read:

16 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
17 from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (md) the department may
18 distribute funds to the Wisconsin Trust Account Foundation in an amount up to the
19 amount received by the foundation from private donations, but not to exceed
20 \$100,000 in a fiscal year. Except as provided in sub. (4), funds distributed under this
21 subsection may be used only for the provision of legal services to individuals who are
22 eligible for temporary assistance for needy families under 42 USC 601 et seq. and
23 whose incomes are at or below 200% of the poverty line.

24 **SECTION 1435.** 49.175 (1) (intro.) of the statutes is amended to read:

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

5 **SECTION 1436.** 49.175 (1) (a) of the statutes is amended to read:

6 49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits,
7 \$59,184,700 ~~\$44,390,300~~ in fiscal year ~~2005-06~~ 2007-08 and \$51,930,000
8 ~~\$44,035,900~~ in fiscal year ~~2006-07~~ 2008-09.

9 **SECTION 1437.** 49.175 (1) (b) of the statutes is amended to read:

10 49.175 (1) (b) *Wisconsin Works administration.* For administration of
11 Wisconsin Works performed under contracts under s. 49.143, \$18,999,900
12 ~~\$10,701,100~~ in fiscal year ~~2005-06~~ 2007-08 and ~~\$16,834,100~~ \$10,701,100 in fiscal
13 year ~~2006-07~~ 2008-09.

14 **SECTION 1438.** 49.175 (1) (c) of the statutes is repealed.

15 **SECTION 1439.** 49.175 (1) (f) of the statutes is amended to read:

16 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under
17 Wisconsin Works provided under contracts under s. 49.143, ~~\$49,534,800~~ \$38,471,500
18 in fiscal year ~~2005-06~~ 2007-08 and ~~\$43,463,000~~ \$38,471,500 in fiscal year ~~2006-07~~
19 2008-09.

20 **SECTION 1440.** 49.175 (1) (g) of the statutes is amended to read:

21 49.175 (1) (g) *State administration of public assistance programs.* For state
22 administration of public assistance programs, ~~\$16,060,000~~ \$16,670,100 in each
23 fiscal year 2007-08 and \$16,868,500 in fiscal year 2008-09.

24 **SECTION 1441.** 49.175 (1) (i) of the statutes is amended to read:

~~\$343,432,100~~

1 49.175 (1) (i) *Emergency assistance*. For emergency assistance under s. 49.138,
2 \$4,500,000 ~~\$6,000,000~~ in each fiscal year.

3 **SECTION 1442.** 49.175 (1) (p) of the statutes is amended to read:

4 49.175 (1) (p) *Direct child care services*. For direct child care services under s.
5 49.155, ~~\$310,332,100~~ \$340,601,800 in fiscal year 2005-06 2007-08 and
6 ~~\$313,432,100~~ \$355,352,000 in fiscal year 2006-07 2008-09.

7 **SECTION 1443c.** 49.175 (1) (q) of the statutes is amended to read:

8 49.175 (1) (q) *Indirect child Child care services state administration*. For
9 indirect administration of child care services under s. 49.155 (1g), ~~\$9,926,700~~ (b),
10 \$1,765,600 in fiscal year 2005-06 2007-08 and ~~\$9,929,000~~ \$1,600,300 in fiscal year
11 2006-07 2008-09.

12 **SECTION 1444.** 49.175 (1) (qm) of the statutes is amended to read:

13 49.175 (1) (qm) *Quality care for quality kids*. For the child care quality
14 improvement activities specified in s. 49.155 (1g) (d), ~~\$3,378,500~~ (a), \$5,311,000 in
15 each fiscal year.

16 **SECTION 1444c.** 49.175 (1) (qs) of the statutes is created to read:

17 49.175 (1) (qs) *Child care licensing*. For child care licensing, at least \$4,800,600
18 in each fiscal year.

19 **SECTION 1445.** 49.175 (1) (r) of the statutes is repealed.

20 **SECTION 1447b.** 49.175 (1) (z) of the statutes is amended to read:

21 49.175 (1) (z) *Grants to the Boys and Girls Clubs of America*. For grants to the
22 Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs that
23 improve social, academic, and employment skills of youth who are eligible to receive
24 temporary assistance for needy families under 42 USC 601 et seq., \$300,000
25 \$350,000 in each fiscal year.

as affected by 2007
Wisconsin Act 5

1 **SECTION 1448.** 49.175 (1) (ze) (title) of the statutes is amended to read:

2 49.175 (1) (ze) (title) *Programs administered by the department of health and*
3 *family services relating to children and families.*

4 **SECTION 1449.** 49.175 (1) (ze) 1. of the statutes is amended to read:

5 49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the
6 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
7 (3p), ~~\$23,034,200 in fiscal year 2005-06 and \$22,686,300~~ \$23,579,800 in each fiscal
8 year ~~2006-07.~~

9 **SECTION 1450.** 49.175 (1) (ze) 2. of the statutes is amended to read:

10 49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For
11 payments made under s. 49.775 for the support of the dependent children of
12 recipients of supplemental security income, ~~\$30,444,000~~ \$30,094,700 in fiscal year
13 ~~2005-06~~ 2007-08 and ~~\$30,394,000~~ \$30,094,700 in fiscal year ~~2006-07~~ 2008-09.

14 **SECTION 1451.** 49.175 (1) (ze) 10m. of the statutes is amended to read:

15 49.175 (1) (ze) 10m. 'Safety and out-of-home placement services.' For services
16 provided in counties having a population of 500,000 or more to ensure the safety of
17 children who the department of health and family services determines may remain
18 at home if appropriate services are provided, ~~\$5,707,200~~ and for ongoing services
19 provided in those counties to families with children placed in out-of-home care,
20 \$5,631,300 in each fiscal year.

21 **SECTION 1452.** 49.175 (1) (ze) 10m. of the statutes, as affected by 2007
22 Wisconsin Act (this act), is amended to read:

23 49.175 (1) (ze) 10m. 'Safety and out-of-home placement services.' For services
24 provided in counties having a population of 500,000 or more to ensure the safety of
25 children who the department of health and family services determines may remain

1 at home if appropriate services are provided, and for ongoing services provided in
2 those counties to families with children placed in out-of-home care, \$5,631,300 in
3 each fiscal year.

*2005-06 and \$25,232,000
in fiscal year 2006-07*

4 **SECTION 1453.** 49.175 (1) (ze) 12. of the statutes is amended to read:

strike

5 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
6 the costs associated with the Milwaukee child welfare information system and the
7 Wisconsin statewide automated child welfare information system, \$1,310,800
8 \$1,510,500 in fiscal year ~~2005-06~~ 2007-08 and ~~\$1,317,700~~ \$1,532,100 in fiscal year
9 ~~2006-07~~ 2008-09.

*as affected by 2007
Wisconsin Act 5,*

10 **SECTION 1454.** 49.175 (1) (zh) of the statutes is amended to read:

11 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
12 moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation
13 account under s. 20.835 (2) (kf) for the earned income tax credit, \$55,232,000
14 \$21,125,400 in each fiscal year 2007-08 and \$6,664,200 in fiscal year 2008-09.

15 **SECTION 1455.** 49.175 (1) (zh) of the statutes, as affected by 2007 Wisconsin Act
16 (this act), is amended to read:

17 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
18 moneys from the appropriation account under s. 20.445 (3) 20.437 (2) (md) to the
19 appropriation account under s. 20.835 (2) (kf) for the earned income tax credit,
20 \$21,125,400 in fiscal year 2007-08 and \$6,664,200 in fiscal year 2008-09.

21 **SECTION 1456.** 49.175 (2) (c) of the statutes is amended to read:

22 49.175 (2) (c) If the amounts of federal block grant moneys that are required
23 to be credited to the appropriation accounts under s. 20.445 (3) 20.437 (2) (mc) and
24 (md) are less than the amounts appropriated under s. 20.445 (3) 20.437 (2) (mc) and
25 (md), the department shall submit a plan to the secretary of administration for

1 reducing the amounts of moneys allocated under sub. (1). If the secretary of
2 administration approves the plan, the amounts of moneys required to be allocated
3 under sub. (1) may be reduced as proposed by the department and the department
4 shall allocate the moneys as specified in the plan.

5 **SECTION 1459.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

6 49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed
7 under s. 48.62 if a license is required under that section, in a foster home or treatment
8 foster home located within the boundaries of a federally recognized American Indian
9 reservation in this state and licensed by the tribal governing body of the reservation,
10 in a group home licensed under s. 48.625, or in a residential care center for children
11 and youth licensed under s. 48.60, and has been placed in the foster home, treatment
12 foster home, group home, or center by a county department under s. 46.215, 46.22,
13 or 46.23, by the department of health and family services, by the department of
14 corrections, or by a federally recognized American Indian tribal governing body in
15 this state under an agreement with a county department.

16 **SECTION 1460.** 49.19 (10) (a) of the statutes is amended to read:

17 49.19 (10) (a) Aid under this section may also be granted to a nonrelative who
18 cares for a child dependent upon the public for proper support in a foster home or
19 treatment foster home having a license under s. 48.62, in a foster home or treatment
20 foster home located within the boundaries of a federally recognized American Indian
21 reservation in this state and licensed by the tribal governing body of the reservation
22 or in a group home licensed under s. 48.625, regardless of the cause or prospective
23 period of dependency. The state shall reimburse counties pursuant to the procedure
24 under s. ~~46.495~~ 48.569 (2) and the percentage rate of participation set forth in s.
25 ~~46.495~~ 48.569 (1) (d) for aid granted under this subsection except that if the child does

1 not have legal settlement in the granting county, state reimbursement shall be at
2 100%. The county department under s. 46.215 or 46.22 shall determine the legal
3 settlement of the child. A child under one year of age shall be eligible for aid under
4 this subsection irrespective of any other residence requirement for eligibility within
5 this section.

6 **SECTION 1461.** 49.19 (10) (d) of the statutes is amended to read:

7 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
8 treatment foster home, group home, or residential care center for children and youth
9 by the state when the child is in the custody or guardianship of the state, when the
10 child is a ward of an American Indian tribal court in this state and the placement is
11 made under an agreement between the department and the tribal governing body,
12 or when the child was part of the state's direct service case load and was removed
13 from the home of a relative specified in sub. (1) (a) as a result of a judicial
14 determination that continuance in the home of a relative would be contrary to the
15 child's welfare for any reason and the child is placed by the department of health and
16 family services or the department of corrections.

17 **SECTION 1462.** 49.19 (11) (a) 1. a. of the statutes is amended to read:

18 49.19 (11) (a) 1. a. Except as provided in subs. (11m) and (11s), monthly
19 payments made under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md) to persons or to families
20 with dependent children shall be based on family size and shall be at 80% of the total
21 of the allowances under subs. 2. and 4. plus the following standards of assistance
22 beginning on September 1, 1987:

Figure 49.19 (11) (a) 1. a.:

<u>FAMILY SIZE</u>	<u>AREA I</u>	<u>AREA II</u>
1	\$ 311	\$ 301
2	550	533

3	647	626
4	772	749
5	886	861
6	958	929
7	1,037	1,007
8	1,099	1,068
9	1,151	1,117
10	1,179	1,143

1 **SECTION 1463.** 49.19 (11s) (d) of the statutes is amended to read:

2 49.19 (11s) (d) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (a), the
3 department may award grants to county departments under ss. 46.215, 46.22 and
4 46.23 for providing education services relating to family planning, as defined in s.
5 253.07 (1) (a), to persons who are subject to par. (b).

6 **SECTION 1464.** 49.195 (3r) of the statutes is amended to read:

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

11 **SECTION 1465.** 49.197 (1m) of the statutes is amended to read:

12 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. ~~20.445 (3)~~
13 20.437 (2) (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program
14 to investigate suspected fraudulent activity on the part of recipients of aid to families
15 with dependent children under s. 49.19, on the part of participants in the Wisconsin
16 Works program under ss. 49.141 to 49.161, and, if the department of health and
17 family services contracts with the department under sub. (5), on the part of recipients
18 of medical assistance under subch. IV, food stamp benefits under the food stamp
19 program under 7 USC 2011 to 2036, supplemental security income payments under
20 s. 49.77, payments for the support of children of supplemental security income

1 recipients under s. 49.775, and health care benefits under the Badger Care health
2 care program under s. 49.665. The department's activities under this subsection may
3 include, but are not limited to, comparisons of information provided to the
4 department by an applicant and information provided by the applicant to other
5 federal, state, and local agencies, development of an advisory welfare investigation
6 prosecution standard, and provision of funds to county departments under ss.
7 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to
8 detect fraud. The department shall cooperate with district attorneys regarding
9 fraud prosecutions.

10 **SECTION 1465m.** 49.197 (2) of the statutes is created to read:

11 **49.197 (2) FRAUD INVESTIGATION BY COUNTIES AND TRIBAL GOVERNING BODIES.** (a)

12 In this subsection, "tribal governing body" means an elected governing body of a
13 federally recognized American Indian tribe.

14 (b) A county or tribal governing body may establish a program to investigate
15 suspected fraudulent activity on the part of participants in the Wisconsin Works
16 program under this subchapter, including persons receiving a child care subsidy
17 under s. 49.155, and to recover incorrect payments made or incorrect benefits
18 provided as a result of fraudulent activity.

19 (c) If a county or tribal governing body establishes a program under par. (b), the
20 county or tribal governing body shall pay to the department all of the following:

21 1. Fifty percent of all amounts recovered by the county or tribal governing body
22 as a result of its program during the first month in which it recovers any amounts
23 as a result of its program.

1 2. Sixty-six percent of all amounts recovered by the county or tribal governing
2 body as a result of its program during the 2nd month in which it recovers any
3 amounts as a result of its program.

4 3. One hundred percent of all amounts recovered by the county or tribal
5 governing body as a result of its program after the 2nd month in which it recovers
6 any amounts as a result of its program.

7 (d) The department shall credit all moneys received under this subsection to
8 the appropriation account under s. 20.445 (3) (g). The department shall use moneys
9 recovered as a result of fraud in the Wisconsin Works program, other than the child
10 care subsidy program under s. 49.155, for the Wisconsin Works program other than
11 the child care subsidy program and shall use moneys recovered as a result of fraud
12 in the child care subsidy program under s. 49.155 for the child care subsidy program.

13 **SECTION 1465p.** 49.197 (2) (d) of the statutes, as created by 2007 Wisconsin Act
14 (this act), is amended to read:

15 49.197 (2) (d) The department shall credit all moneys received under this
16 subsection to the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (g). The
17 department shall use moneys recovered as a result of fraud in the Wisconsin Works
18 program, other than the child care subsidy program under s. 49.155, for the
19 Wisconsin Works program other than the child care subsidy program and shall use
20 moneys recovered as a result of fraud in the child care subsidy program under s.
21 49.155 for the child care subsidy program.

22 **SECTION 1466.** 49.197 (4) of the statutes is amended to read:

23 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and
24 family services contracts with the department under sub. (5), the department shall
25 provide funds from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (kx) to counties

1 and governing bodies of federally recognized American Indian tribes administering
2 Medical Assistance under subch. IV, the food stamp program under 7 USC 2011 to
3 2036, the supplemental security income payments program under s. 49.77, the
4 program providing payments for the support of children of supplemental security
5 income recipients under s. 49.775, and the Badger Care health care program under
6 s. 49.665 to offset administrative costs of reducing payment errors in those programs.

7 **SECTION 1467.** 49.22 (2m) (a) of the statutes is amended to read:

8 49.22 (2m) (a) The department may request from any person in this state
9 information it determines appropriate and necessary for the administration of this
10 section, ss. 49.141 to 49.161, 49.19, 49.46, 49.468 and, 49.47, and 49.471 and
11 programs carrying out the purposes of 7 USC 2011 to 2029. Unless access to the
12 information is prohibited or restricted by law, or unless the person has good cause,
13 as determined by the department in accordance with federal law and regulations, for
14 refusing to cooperate, the person shall make a good faith effort to provide this
15 information within 7 days after receiving a request under this paragraph. Except
16 as provided in subs. (2p) and (2r) and subject to sub. (12), the department or the
17 county child support agency under s. 59.53 (5) may disclose information obtained
18 under this paragraph only in the administration of this section, ss. 49.141 to 49.161,
19 49.19, 49.46 and, 49.47, and 49.471 and programs carrying out the purposes of 7 USC
20 2011 to 2029. Employees of the department or a county child support agency under
21 s. 59.53 (5) are subject to s. 49.83.

22 **SECTION 1468.** 49.22 (2m) (b) of the statutes is amended to read:

23 49.22 (2m) (b) The department or county child support agency under s. 59.53
24 (5) may issue a subpoena, in substantially the form authorized under s. 885.02, to
25 compel the production of financial information and other documentary evidence in

1 the administration of this section, ss. 49.145, 49.19, 49.46 and, 49.47, and 49.471 and
2 programs carrying out the purposes of 7 USC 2011 to 2029.

3 **SECTION 1469.** 49.22 (2m) (c) 3. of the statutes is amended to read:

4 49.22 (2m) (c) 3. Any other action taken in good faith to comply with this section
5 or a subpoena described in par. (bc) or to comply with a request for information or
6 access to records from the department or a county child support agency under s. 59.53
7 (5) in the administration of this section, ss. 49.145, 49.19, 49.46 and, 49.47, and
8 49.471 and programs carrying out the purposes of 7 USC 2011 to 2029.

9 **SECTION 1470.** 49.22 (6) of the statutes is amended to read:

10 49.22 (6) The department shall establish, pursuant to federal and state laws,
11 rules and regulations, a uniform system of fees for services provided under this
12 section to individuals not receiving aid under s. ~~46.261~~ 48.645, 49.19, or 49.47;
13 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
14 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term
15 kinship care payments under s. 48.57 (3n). The system of fees may take into account
16 an individual's ability to pay. Any fee paid and collected under this subsection may
17 be retained by the county providing the service except for the fee specified in 42 USC
18 653 (e) (2) for federal parent locator services.

19 **SECTION 1471.** 49.22 (6) of the statutes, as affected by 2007 Wisconsin Act ...
20 (this act), is amended to read:

21 49.22 (6) The department shall establish, pursuant to federal and state laws,
22 rules and regulations, a uniform system of fees for services provided under this
23 section to individuals not receiving aid under s. ~~48.645~~, 49.19 or, 49.47, or 49.471;
24 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
25 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term

1 kinship care payments under s. 48.57 (3n). The system of fees may take into account
2 an individual's ability to pay. Any fee paid and collected under this subsection may
3 be retained by the county providing the service except for the fee specified in 42 USC
4 653 (e) (2) for federal parent locator services.

5 **SECTION 1472.** 49.22 (7) of the statutes is amended to read:

6 49.22 (7) The department may represent the state in any action to establish
7 paternity or to establish or enforce a support or maintenance obligation. The
8 department may delegate its authority to represent the state in any action to
9 establish paternity or to establish or enforce a support or maintenance obligation
10 under this section to an attorney responsible for support enforcement under s. 59.53
11 (6) (a) pursuant to a contract entered into under s. 59.53 (5). The department shall
12 ensure that any such contract is for an amount reasonable and necessary to assure
13 quality service. The department may, by such a contract, authorize a county to
14 contract with any attorney, collection agency or other person to collect unpaid child
15 support or maintenance. If a county fails to fully implement the programs under s.
16 59.53 (5), the department may implement them and may contract with any
17 appropriate person to obtain necessary services. The department shall establish a
18 formula for disbursing funds appropriated under s. ~~20.445 (3)~~ 20.437 (2) (md) to carry
19 out a contract under this subsection.

20 **SECTION 1473.** 49.24 (1) of the statutes is amended to read:

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

1 \$5,690,000 \$5,500,000 per fiscal year, plus any amounts not obligated in the prior
2 fiscal year.

3 **SECTION 1474.** 49.24 (1) of the statutes, as affected by 2007 Wisconsin Act
4 (this act), section 1473, is amended to read:

5 49.24 (1) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (b), the
6 department shall provide child support incentive payments to counties. In fiscal
7 year 2007-08, amounts allocated by the department under this subsection may not
8 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
9 with fiscal year 2008-09, amounts allocated under this subsection may not exceed
10 \$5,500,000 per fiscal year, plus any amounts not obligated in the prior fiscal year.

11 **SECTION 1474d.** 49.24 (1) of the statutes, as affected by 2007 Wisconsin Act
12 (this act), section 1473, is amended to read:

13 49.24 (1) From the appropriation under s. 20.445 (3) ~~(b)~~ (k), the department
14 shall provide child support incentive payments to counties. ~~In fiscal year 2007-08,~~
15 ~~amounts allocated by the department~~ Total payments under this subsection may not
16 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. ~~Beginning~~
17 ~~with fiscal year 2008-09, amounts allocated under this subsection may not exceed~~
18 \$5,500,000 \$5,690,000 per fiscal year, plus any amounts not obligated in the prior
19 fiscal year.

20 **SECTION 1475.** 49.24 (2) (b) (intro.) of the statutes is amended to read:

21 49.24 (2) (b) (intro.) Subject to ~~the incentive payments limit specified in par.~~
22 (a), the department shall distribute to counties, in accordance with the formula
23 established under par. (a), all of the following:

24 **SECTION 1475d.** 49.24 (2) (b) (intro.) of the statutes, as affected by 2007
25 Wisconsin Act (this act), is amended to read:

1 49.24 (2) (b) (intro.) Subject to the incentive payments limit specified in par.
2 (a), the department shall distribute to counties, in accordance with the formula
3 established under par. (a), all of the following:

4 **SECTION 1476.** 49.24 (2) (d) of the statutes is repealed.

5 **SECTION 1476d.** 49.24 (2) (dm) of the statutes is created to read:

6 49.24 (2) (dm) If the amount of federal child support incentive payments
7 awarded to the state for a federal fiscal year is less than \$12,340,000, the total of
8 payments distributed to counties under par. (b) and sub. (1) for that federal fiscal
9 year may not exceed \$12,340,000.

10 **SECTION 1476g.** 49.24 (4) of the statutes is created to read:

11 49.24 (4) If federal legislation reinstates the matching of federal funds for
12 federal child support incentive payments, the department shall provide a notice in
13 the Wisconsin Administrative Register that states the effective date of that federal
14 legislation.

15 **SECTION 1477.** 49.26 (1) (d) of the statutes is amended to read:

16 49.26 (1) (d) A county department or Wisconsin works Works agency that
17 provides services under this subsection directly shall develop a plan, in coordination
18 with the school districts located in whole or in part in the county, describing the
19 assistance that the county department or Wisconsin works Works agency and school
20 districts will provide to individuals receiving services under this subsection, the
21 number of individuals that will be served and the estimated cost of the services. The
22 county department or Wisconsin works Works agency shall submit the plan to the
23 department of ~~workforce development~~ and the department of public instruction by
24 January 15, annually.

25 **SECTION 1478.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

1 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
2 ~~works~~ Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5)
3 or who is a recipient of aid under s. 49.19 is subject to the school attendance
4 requirement under par. (g) if all of the following apply:

5 **SECTION 1479.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

6 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin ~~works~~
7 Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5) and who
8 fails to meet the school attendance requirement under par. (g) is subject to a
9 monthly sanction.

10 **SECTION 1480.** 49.27 of the statutes is created to read:

11 **49.27 Legal actions.** The department may sue and be sued.

12 **SECTION 1481.** 49.273 of the statutes is created to read:

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

19 **SECTION 1482.** 49.275 of the statutes is amended to read:

20 **49.275 Cooperation with federal government.** The department may
21 cooperate with the federal government in carrying out federal acts concerning public
22 assistance under this subchapter and child welfare under ch. 48 and in other matters
23 of mutual concern under this subchapter pertaining to public welfare and under ch.
24 48 pertaining to child welfare.

25 **SECTION 1483.** 49.32 (1) (a) of the statutes is amended to read:

1 49.32 (1) (a) The Except as provided in s. 49.345 (14) (b) and (c), the department
2 shall establish a uniform system of fees for services provided or purchased under this
3 subchapter and ch. 48 by the department, or a county department under s. 46.215,
4 46.22, or 46.23, except as provided in s. 49.22 (6) and except where when, as
5 determined by the department, a fee is administratively unfeasible or would
6 significantly prevent accomplishing the purpose of the service. A county department
7 under s. 46.215, 46.22 or 46.23 shall apply the fees which that it collects under this
8 program to cover the cost of such those services. The department shall report to the
9 joint committee on finance no later than March 1 of each year on the number of
10 children placed for adoption by the department during the previous year and the
11 costs to the state for services relating to such adoptions.

12 **SECTION 1484.** 49.32 (1) (am) of the statutes is created to read:

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

16 **SECTION 1485.** 49.32 (1) (b) of the statutes is amended to read:

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

25 **SECTION 1486.** 49.32 (1) (c) of the statutes is amended to read:

1 49.32 (1) (c) The department shall make collections from the person who in the
2 opinion of the department is best able to pay, giving due regard to the present needs
3 of the person or of his or her lawful dependents. The department may bring an action
4 in the name of the department to enforce the liability established under par. (b). This
5 paragraph does not apply to the recovery of fees for the care and services specified
6 under s. 49.345.

7 **SECTION 1487.** 49.32 (2) (d) of the statutes is created to read:

8 49.32 (2) (d) The department shall disburse from state or federal funds or both
9 the entire amount and charge the county for its share under s. 48.569.

10 **SECTION 1488.** 49.32 (9) (a) of the statutes is amended to read:

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

22 **SECTION 1489.** 49.32 (11) of the statutes is renumbered 103.005 (21) and
23 amended to read:

24 103.005 (21) ~~COMMUNITY ACTION AGENCIES.~~ The department shall distribute all
25 of the funds under s. 20.445 ~~(3)~~ (1) (cr) to community action agencies and

1 organizations, including any of the 11 federally recognized tribal governing bodies
2 in this state and limited-purpose agencies, in proportion to the share of funds
3 actually allocated to these entities under 42 USC 1315 and from other federal and
4 private foundation sources that provide funds for job creation and development for
5 individuals with low incomes.

6 **SECTION 1490.** 49.32 (11m) of the statutes is created to read:

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

11 **SECTION 1491.** 49.32 (12) of the statutes is amended to read:

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

15 **SECTION 1492.** 49.325 (1) (a) of the statutes is amended to read:

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

19 **SECTION 1493.** 49.325 (2) of the statutes is amended to read:

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

25 **SECTION 1494.** 49.325 (2g) (a) of the statutes is amended to read:

1 49.325 (2g) (a) The department shall annually submit to the county board of
2 supervisors in a county with a single-county department or the county boards of
3 supervisors in counties with a multicounty department a proposed written contract
4 containing the allocation of funds for services directly provided or purchased under
5 this subchapter or ch. 48 and such administrative requirements as necessary. The
6 contract as approved may contain conditions of participation consistent with federal
7 and state law. The contract may also include provisions necessary to ensure uniform
8 cost accounting of services. Any changes to the proposed contract shall be mutually
9 agreed upon. The county board of supervisors in a county with a single-county
10 department or the county boards of supervisors in counties with a multicounty
11 department shall approve the contract before January 1 of the year in which it takes
12 effect unless the department grants an extension. The county board of supervisors
13 in a county with a single-county department or the county boards of supervisors in
14 counties with a multicounty department may designate an agent to approve addenda
15 to any contract after the contract has been approved.

16 **SECTION 1495.** 49.325 (2g) (c) of the statutes is amended to read:

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

21 **SECTION 1496.** 49.325 (2r) (a) 1. of the statutes is amended to read:

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

1 **SECTION 1497.** 49.325 (2r) (a) 2. of the statutes is amended to read:

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

8 **SECTION 1498.** 49.325 (3) (a) of the statutes is amended to read:

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

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

5 **SECTION 1499.** 49.34 (1) of the statutes is amended to read:

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

16 **SECTION 1500.** 49.34 (2) of the statutes is amended to read:

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

23 **SECTION 1501.** 49.34 (4) (a) of the statutes is amended to read:

24 49.34 (4) (a) Except as provided in this subsection, maintain a uniform double
25 entry accounting system and a management information system which are

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

10 **SECTION 1502.** 49.34 (4) (c) of the statutes is amended to read:

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

17 **SECTION 1503.** 49.34 (5m) (a) 1. of the statutes is amended to read:

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

24 **SECTION 1504.** 49.34 (5m) (b) 1. of the statutes is amended to read:

1 49.34 (5m) (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a
2 contract for the provision of a rate-based service exceeds allowable costs incurred in
3 the contract period, the provider may retain from the surplus generated by that
4 rate-based service up to 5% of the contract amount. A provider that retains a surplus
5 under this subdivision shall use that retained surplus to cover a deficit between
6 revenue and allowable costs incurred in any preceding or future contract period for
7 the same rate-based service that generated the surplus or to address the
8 programmatic needs of clients served by the same rate-based service that generated
9 the surplus.

10 **SECTION 1505.** 49.34 (5m) (b) 2. of the statutes is amended to read:

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

23 **SECTION 1506.** 49.34 (5m) (em) of the statutes is created to read:

24 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under
25 s. 46.215, 51.42, or 51.437 providing client services in a county having a population

1 of 500,000 or more or a nonstock, nonprofit corporation providing client services in
2 such a county may not retain a surplus under par. (b) 1. or accumulate funds under
3 par. (b) 2. from revenues that are used to meet the maintenance-of-effort
4 requirement under the federal temporary assistance for needy families program
5 under 42 USC 601 to 619.

6 **SECTION 1507.** 49.345 of the statutes is created to read:

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

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

1 services, and supplies in accordance with the fee schedule established by the
2 department under s. 49.32 (1). If a spouse, widow, or minor, or an incapacitated
3 person may be lawfully dependent upon the property for his or her support, the court
4 shall release all or such part of the property and estate from the charges that may
5 be necessary to provide for the person. The department shall make every reasonable
6 effort to notify the liable persons as soon as possible after the beginning of the
7 maintenance, but the notice or the receipt thereof is not a condition of liability.

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

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

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

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

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

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

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

1 encourage agreements or settlements with the liable person, having due regard to
2 ability to pay and the present needs of lawful dependents.

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

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

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

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

16 (d) After due regard to the case and to a spouse and minor children who are
17 lawfully dependent on the property for support, compromise or waive any portion of
18 any claim of the state or county for which a person specified under sub. (2) is liable,
19 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other
20 3rd party.

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

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

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

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

14 (10) The department shall make all reasonable and proper efforts to collect all
15 claims for maintenance, to keep payments current, and periodically to review all
16 unpaid claims.

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

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

23 (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in
24 sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in
25 residential, nonmedical facilities such as group homes, foster homes, treatment

1 foster homes, subsidized guardianship homes, and residential care centers for
2 children and youth is determined in accordance with the cost-based fee established
3 under s. 49.32 (1). The department shall bill the liable person up to any amount of
4 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party
5 benefits, subject to rules that include formulas governing ability to pay established
6 by the department under s. 49.32 (1). Any liability of the person not payable by any
7 other person terminates when the person reaches age 18, unless the liable person has
8 prevented payment by any act or omission.

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

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

- 21 1. The needs of the child.
- 22 2. The physical, mental, and emotional health needs of the child, including any
23 costs for the child's health insurance provided by a parent.

1 3. The standard of living and circumstances of the parents, including the needs
2 of each parent to support himself or herself at a level equal to or greater than that
3 established under 42 USC 9902 (2).

4 4. The financial resources of the parents.

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

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

9 7. The age of the child.

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

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

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

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

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

1 \$0 shall be considered to be an adoption assistance maintenance payment for
2 purposes of this subdivision.

3 2. Subdivision 1. does not apply if, after considering the factors under par. (c)
4 1. to 11., the court finds by the greater weight of the credible evidence that limiting
5 the amount of the child support payments to the amount of the adoption assistance
6 maintenance payments under s. 48.975 (3) (a) is unfair to the child or to either of the
7 parents.

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

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

23 2. Except as provided in subd. 3., for each payment made under the assignment,
24 the person from whom the payer under the order receives money shall receive an

1 amount equal to the person's necessary disbursements, not to exceed \$3, which shall
2 be deducted from the money to be paid to the payer.

3 3. Benefits under ch. 108 may be assigned and withheld only in the manner
4 provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 shall be for
5 an amount certain. When money is to be withheld from these benefits, no fee may
6 be deducted from the amount withheld and no fine may be levied for failure to
7 withhold the money.

8 4. No employer may use an assignment under this paragraph as a basis for the
9 denial of employment to a person, the discharge of an employee, or any disciplinary
10 action against an employee. An employer who denies employment or discharges or
11 disciplines an employee in violation of this subdivision may be fined not more than
12 \$500 and may be required to make full restitution to the aggrieved person, including
13 reinstatement and back pay. Except as provided in this subdivision, restitution shall
14 be in accordance with s. 973.20. An aggrieved person may apply to the district
15 attorney or to the department of workforce development for enforcement of this
16 subdivision.

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

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

1 **(16)** The department shall delegate to county departments under ss. 46.22 and
2 46.23 or the local providers of care and services meeting the standards established
3 by the department under s. 49.34 the responsibilities vested in the department under
4 this section for collection of fees for services other than those provided at state
5 facilities, if the county departments or providers meet the conditions that the
6 department determines are appropriate. The department may delegate to county
7 departments under ss. 46.22 and 46.23 the responsibilities vested in the department
8 under this section for collection of fees for services provided at the state facilities if
9 the necessary conditions are met.

10 **SECTION 1508.** 49.35 (1) (a) of the statutes is amended to read:

11 49.35 (1) (a) The department shall supervise the administration of programs
12 under this subchapter and ch. 48. The department shall submit to the federal
13 authorities state plans for the administration of programs under this subchapter and
14 ch. 48 in such form and containing such information as the federal authorities
15 require, and shall comply with all requirements prescribed to ensure their
16 correctness.

17 **SECTION 1509.** 49.35 (1) (b) of the statutes is amended to read:

18 49.35 (1) (b) All records of the department and all county records relating to
19 programs under this subchapter and ch. 48 and aid under s. 49.18, 1971 stats., s.
20 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,
21 shall be open to inspection at all reasonable hours by authorized representatives of
22 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county
23 records relating to the administration of the services and public assistance specified
24 in this paragraph shall be open to inspection at all reasonable hours by authorized
25 representatives of the department.

1 **SECTION 1510.** 49.35 (2) of the statutes is amended to read:

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

5 **SECTION 1511.** 49.36 (2) of the statutes is amended to read:

6 49.36 (2) The department may contract with any county, tribal governing body,
7 or Wisconsin Works agency to administer a work experience and job training
8 program for parents who are not custodial parents and who fail to pay child support
9 or to meet their children's needs for support as a result of unemployment or
10 underemployment. The program may provide the kinds of work experience and job
11 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
12 (3), (3m), or (4). The program may also include job search and job orientation
13 activities. The department shall fund the program from the appropriations under
14 s. 20.445 (3) (dz) and (k).

15 **SECTION 1512.** 49.36 (2) of the statutes, as affected by 2007 Wisconsin Act
16 (this act), is amended to read:

17 49.36 (2) The department may contract with any county, tribal governing body,
18 or Wisconsin Works agency to administer a work experience and job training
19 program for parents who are not custodial parents and who fail to pay child support
20 or to meet their children's needs for support as a result of unemployment or
21 underemployment. The program may provide the kinds of work experience and job
22 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
23 (3), (3m), or (4). The program may also include job search and job orientation
24 activities. The department shall fund the program from the appropriations under
25 s. 20.445 (3) 20.437 (2) (dz) and (k).