

48.207 (3) A child taken into custody under s. 48.981 may be held in a hospital, foster home, ~~treatment foster home~~, relative's home, or other appropriate medical or child welfare facility which that is not used primarily for the detention of delinquent children.

SECTION 919p. 48.21 (3) (f) of the statutes is created to read:

48.21 (3) (f) If present at the hearing, the parent shall be requested to provide the names and other identifying information of 3 relatives of the child or family friends 18 years of age or over whose homes the parent requests the court to consider as placements for the child. If the parent does not provide this information at the hearing, the county department or, in a county having a population of 500,000 or more, the department shall make a reasonable effort to provide each parent with the opportunity to provide this information.

SECTION 920. 48.21 (5) (d) 2. of the statutes is amended to read:

48.21 (5) (d) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 921. 48.21 (5) (d) 3. of the statutes is amended to read:

48.21 (5) (d) 3. The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 921h. 48.21 (5) (e) of the statutes is created to read:

48.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent, great-grandparent, aunt, uncle, or sibling of a child, whether by blood, marriage, or legal adoption, who has attained 18 years of age.

2. The court shall order the county department or, in a county having a population of 500,000 or more, the department to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all adult relatives of the child and to all other adult individuals whose homes are requested by the child's parent under sub. (3) (f) to be considered as placement options for the child within 30 days after the date of the hearing unless the child is returned to his or her home

within that period. The county department or department may not provide that notice to an adult relative or other individual if the county department or the department has reason to believe that it would be dangerous to the child or to the parent if the child were placed with that adult relative or other individual. The notice shall include all of the following:

a. A statement that the child has been removed from the custody of the child's parent.

b. A statement that the child may need a temporary or permanent placement outside of his or her home and an explanation of how the adult relative or other individual may request to have the child placed with him or her.

c. An explanation of the programs and services that may be available to the adult relative or other individual if the child is placed with him or her including foster care payments, kinship care payments, assistance with health care needs, child care assistance, and nutrition assistance.

d. A description of the types of expenses that the adult relative or other individual may incur if the child is placed in his or her home and whether and when the adult relative or other individual may be reimbursed for those expenses.

e. An explanation of how to receive notice of future proceedings relating to the child if the adult relative or other individual provides contact information to the county department or the department.

SECTION 922. 48.27 (3) (a) 1. of the statutes is amended to read:

48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother who is a child, the court shall also notify, under s. 48.273, the child, any parent, guardian, and legal custodian of the child, any foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) of the child, the unborn child by the unborn child's guardian ad litem, if applicable, and any person specified in par. (b), (d), or (e), if applicable, of all hearings involving the child except hearings on motions for which notice need only be provided to the child and his or her counsel. When parents who are entitled to notice have the same place of residence, notice to one shall constitute notice to the other. The first notice to any interested party, foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) shall be written and may have a copy of the petition attached to it. Thereafter, notice of hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the time notice was given and the person to whom he or she spoke.

SECTION 923. 48.27 (3) (a) 1m. of the statutes is amended to read:

48.27 (3) (a) 1m. The court shall give a foster parent, ~~treatment foster parent~~ or other physical custodian

described in s. 48.62 (2) who is notified of a hearing under subd. 1. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under subd. 1. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 924. 48.27 (3) (a) 2. of the statutes is amended to read:

48.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding. If a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that person may request a rehearing on the matter during the pendency of an order resulting from the hearing. If the request is made, the court shall order a rehearing.

SECTION 925. 48.27 (6) of the statutes is amended to read:

48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court, consistent with applicable governing statutes. In addition, if the child who is the subject of the proceeding is in the care of a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2), the court shall give the foster parent, ~~treatment foster parent~~ or other physical custodian notice and an opportunity to be heard as provided in sub. (3) (a).

SECTION 926. 48.299 (1) (ag) of the statutes is amended to read:

48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if a public hearing is not held, only the parties and their counsel or guardian ad litem, the court-appointed special advocate for the child, the child's foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2), witnesses, and other persons requested by a party and approved by the court may be present, except that the court may exclude a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with sensitive personal information of the child or the child's family or if the court determines that excluding the foster parent, ~~treatment foster parent~~ or other physical custodian would be in the best interests of the child. Except in a proceeding under s. 48.375 (7), any other person the court finds to have a proper interest in the case or in the

work of the court, including a member of the bar, may be admitted by the court.

SECTION 927. 48.299 (1) (ar) of the statutes is amended to read:

48.299 (1) (ar) All hearings under s. 48.375 (7) shall be held in chambers, unless a public fact-finding hearing is demanded by the child through her counsel. In a proceeding under s. 48.375 (7), the child's foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) may be present if requested by a party and approved by the court.

SECTION 928. 48.32 (1) (c) 2. of the statutes is amended to read:

48.32 (1) (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 929. 48.32 (1) (c) 3. of the statutes is amended to read:

48.32 (1) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 930. 48.33 (4) (intro.) of the statutes is amended to read:

48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement of an adult expectant mother outside of her home shall be in writing. A report recommending placement of a child in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth, in the home of a relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing and shall include all of the following:

SECTION 931. 48.33 (5) of the statutes is amended to read:

48.33 (5) IDENTITY OF FOSTER PARENT OR ~~TREATMENT FOSTER PARENT~~; CONFIDENTIALITY. If the report recommends placement in a foster home or a ~~treatment foster home~~, and the name of the foster parent or ~~treatment foster parent~~ is not available at the time the report is filed, the agency shall provide the court and the child's parent or guardian with the name and address of the foster parent or ~~treatment foster parent~~ within 21 days after the dis-

positional order is entered, except that the court may order the information withheld from the child's parent or guardian if the court finds that disclosure would result in imminent danger to the child or to the foster parent or ~~treatment foster parent~~. After notifying the child's parent or guardian, the court shall hold a hearing prior to ordering the information withheld.

SECTION 932. 48.335 (3g) (intro.) of the statutes is amended to read:

48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of a relative other than a parent, the agency shall present as evidence specific information showing all of the following:

SECTION 933. 48.345 (3) (c) of the statutes is amended to read:

48.345 (3) (c) A foster home or ~~treatment foster home~~ licensed under s. 48.62, a group home licensed under s. 48.625, or in the home of a guardian under s. 48.977 (2).

SECTION 934. 48.355 (2) (b) 2. of the statutes is amended to read:

48.355 (2) (b) 2. If the child is placed outside the home, the name of the place or facility, including transitional placements, where the child ~~shall~~ will be cared for or treated, except that if the placement is a foster home or ~~treatment foster home~~ and if the name and address of the foster parent or ~~treatment foster parent~~ is not available at the time of the order, the name and address of the foster parent or ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days of ~~after~~ the order. If, after a hearing on the issue with due notice to the parent or guardian, the judge finds that disclosure of the identity of the foster parent or ~~treatment foster parent~~ would result in imminent danger to the child, or the foster parent or ~~the treatment foster parent~~, the judge may order the name and address of the prospective foster parents or ~~treatment foster parents~~ to be withheld from the parent or guardian.

SECTION 935. 48.355 (2d) (c) 2. of the statutes is amended to read:

48.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 936. 48.355 (2d) (c) 3. of the statutes is amended to read:

48.355 (2d) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral state-

ment during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 937. 48.355 (4) of the statutes is amended to read:

48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in his or her home shall terminate at the end of one year after its entry unless the judge specifies a shorter period of time or the judge terminates the order sooner. Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of a relative other than a parent shall terminate when the child reaches 18 years of age, at the end of one year after its entry, or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the child reaches 19 years of age, whichever is later, unless the judge specifies a shorter period of time or the judge terminates the order sooner. An order under this section or s. 48.357 or 48.365 relating to an unborn child in need of protection or services that is made before the unborn child is born shall terminate at the end of one year after its entry unless the judge specifies a shorter period of time or the judge terminates the order sooner.

SECTION 938. 48.357 (1) (am) 1. of the statutes is amended to read:

48.357 (1) (am) 1. If the proposed change in placement involves any change in placement other than a change in placement specified in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement to be sent to the child, the parent, guardian, and legal custodian of the child, any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem. If the expectant mother is an adult, written notice shall be sent to the adult expectant mother and the unborn child by the unborn child's guardian ad litem. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the

new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court.

SECTION 939. 48.357 (2m) (b) of the statutes is amended to read:

48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement, unless the requested or proposed change in placement involves any change in placement other than a change in placement of a child placed in the home to a placement outside the home and written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under sub. (1) (am) 1., other than a court-appointed special advocate, and the court approves. If a hearing is scheduled, the court shall notify the child, the parent, guardian, and legal custodian of the child, any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child by the unborn child's guardian ad litem, and all parties who are bound by the dispositional order, at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

SECTION 940. 48.357 (2r) of the statutes is amended to read:

48.357 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a child from a foster home, ~~treatment foster home~~, or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the child and the requested change in placement. A foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 941. 48.357 (2v) (c) 2. of the statutes is amended to read:

48.357 (2v) (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court

shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 942. 48.357 (2v) (c) 3. of the statutes is amended to read:

48.357 (2v) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 943. 48.363 (1) (b) of the statutes is amended to read:

48.363 (1) (b) If a hearing is held, the court shall notify the child, the child's parent, guardian, and legal custodian, all parties bound by the dispositional order, the child's foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2), the child's court-appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem; or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all parties bound by the dispositional order and the district attorney or corporation counsel in the county in which the dispositional order was entered, at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

SECTION 944. 48.363 (1m) of the statutes is amended to read:

48.363 (1m) If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. A foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing

under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 945. 48.365 (2) of the statutes is amended to read:

48.365 (2) No order may be extended without a hearing. The court shall notify the child, the child's parent, guardian, and legal custodian, all the parties present at the original hearing, the child's foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2), the child's court-appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered and, if the child is an expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all the parties present at the original hearing, and the district attorney or corporation counsel in the county in which the dispositional order was entered, of the time and place of the hearing.

SECTION 946. 48.365 (2m) (ad) 2. of the statutes is amended to read:

48.365 (2m) (ad) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 947. 48.365 (2m) (ag) of the statutes is amended to read:

48.365 (2m) (ag) The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. A foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 948. 48.371 (1) (intro.) of the statutes is amended to read:

48.371 (1) (intro.) If a child is placed in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of a relative other than a parent, including a placement under s. 48.205 or 48.21, the agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the placement of the child

shall provide the following information to the foster parent, ~~treatment foster parent~~, relative, or operator of the group home or residential care center for children and youth at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

SECTION 949. 48.371 (1) (a) of the statutes is amended to read:

48.371 (1) (a) Results of a test or a series of tests of the child to determine the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, ~~treatment foster parent~~, relative, or operator of the group home or residential care center for children and youth of the confidentiality requirements under s. 252.15 (6).

SECTION 950. 48.371 (3) (intro.) of the statutes is amended to read:

48.371 (3) (intro.) At the time of placement of a child in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of a relative other than a parent or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide to the foster parent, ~~treatment foster parent~~, relative, or operator of the group home or residential care center for children and youth information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

SECTION 951. 48.371 (3) (d) of the statutes is amended to read:

48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30, trafficking in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the child or for the protection of any person living in the foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of the relative.

SECTION 952. 48.371 (5) of the statutes is amended to read:

48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, ~~treatment foster parent~~, relative, or operator of a group home or residential care center for children and youth that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the child or participating in a court hearing or permanency plan review concerning the child.

SECTION 953. 48.375 (4) (a) 1. of the statutes is amended to read:

48.375 (4) (a) 1. The person or the person's agent has, either directly or through a referring physician or his or her agent, received and made part of the minor's medical record, under the requirements of s. 253.10, the voluntary and informed written consent of the minor and the voluntary and informed written consent of one of her parents; or of the minor's guardian or legal custodian, if one has been appointed; or of an adult family member of the minor; or of one of the minor's foster parents ~~or treatment foster parents~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the department, a county department, or the foster parent ~~or the treatment foster parent~~ the authority to consent to medical services or treatment on behalf of the minor.

SECTION 954. 48.375 (4) (b) 1m. of the statutes is amended to read:

48.375 (4) (b) 1m. A physician who specializes in psychiatry or a licensed psychologist, as defined in s. 455.01 (4), states in writing that the physician or psychologist believes, to the best of his or her professional judgment based on the facts of the case before him or her, that the minor is likely to commit suicide rather than file a petition under s. 48.257 or approach her parent, or guardian or legal custodian, if one has been appointed, or an adult family member of the minor, or one of the minor's foster parents ~~or treatment foster parents~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the department, a county department, or the foster parent ~~or the treatment foster parent~~ the authority to consent to medical services or treatment on behalf of the minor, for consent.

SECTION 955. 48.375 (4) (b) 3. of the statutes is amended to read:

48.375 (4) (b) 3. The minor provides the person who intends to perform or induce the abortion with a written statement, signed and dated by the minor, that a parent who has legal custody of the minor, or the minor's guardian or legal custodian, if one has been appointed, or an adult family member of the minor, or a foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and the minor's

parent has signed a waiver granting the department, a county department, or the foster parent ~~or the treatment foster parent~~ the authority to consent to medical services or treatment on behalf of the minor, has inflicted abuse on the minor. The person who intends to perform or induce the abortion shall place the statement in the minor's medical record. The person who intends to perform or induce the abortion shall report the abuse as required under s. 48.981 (2).

SECTION 956. 48.375 (7) (f) of the statutes is amended to read:

48.375 (7) (f) *Certain persons barred from proceedings.* No parent, or guardian or legal custodian, if one has been appointed, or foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the department, a county department, or the foster parent ~~or the treatment foster parent~~ the authority to consent to medical services or treatment on behalf of the minor, or adult family member, of any minor who is seeking a court determination under this subsection may attend, intervene, or give evidence in any proceeding under this subsection.

SECTION 957. 48.38 (2) (intro.) of the statutes is amended to read:

48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

SECTION 958. 48.38 (2) (g) of the statutes is amended to read:

48.38 (2) (g) The child's parent is placed in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility and the child is residing with that parent.

SECTION 958p. 48.38 (4) (bm) of the statutes is amended to read:

48.38 (4) (bm) A statement as to the availability of a safe and appropriate placement with a fit and willing relative of the child and if of what efforts were made to comply with an order under s. 48.21 (5) (e) requiring notification of all adult relatives of the child and all other adult individuals whose homes have been requested by the child's parent to be considered as potential placements for the child and to notify all other adult individuals whose homes have been requested by the child to be

considered as potential placements for the child. If a decision is made not to place the child with an available relative, or individual identified by the child's parent or the child, the permanency plan shall include a statement as to why placement with the relative, or other individual is not safe or appropriate.

SECTION 959. 48.38 (4) (d) (intro.) of the statutes is amended to read:

48.38 (4) (d) (intro.) If the child is living more than 60 miles from his or her home, documentation that placement within 60 miles of the child's home is either unavailable or inappropriate or documentation that placement more than 60 miles from the child's home is in the child's best interests. The placement of a child in a licensed foster home ~~or a licensed treatment foster home~~ more than 60 miles from the child's home is presumed to be in the best interests of the child if documentation is provided which shows all of the following:

SECTION 960. 48.38 (4) (f) (intro.) of the statutes is amended to read:

48.38 (4) (f) (intro.) A description of the services that will be provided to the child, the child's family, and the child's foster parent, ~~the child's treatment foster parent,~~ the operator of the facility where the child is living, or the relative with whom the child is living to carry out the dispositional order, including services planned to accomplish all of the following:

SECTION 961. 48.38 (5) (b) of the statutes is amended to read:

48.38 (5) (b) The court or the agency shall notify the parents of the child, the child, if he or she is 12 years of age or older, and the child's foster parent, ~~the child's treatment foster parent,~~ the operator of the facility in which the child is living, or the relative with whom the child is living of the date, time, and place of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review by submitting written comments not less than 10 working days before the review or by participating at the review. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate of the date of the review, of the issues to be determined as part of the review, and of the fact that they may submit written comments not less than 10 working days before the review. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record.

SECTION 962. 48.38 (5) (e) of the statutes is amended to read:

48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order, the child or the child's counsel or guardian ad litem, the person representing the interests of the public,

the child's parent or guardian, the child's court-appointed special advocate and the child's foster parent, ~~the child's treatment foster parent~~ or the operator of the facility where the child is living.

SECTION 963. 48.38 (5m) (b) of the statutes is amended to read:

48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; the child's foster parent ~~or treatment foster parent,~~ the operator of the facility in which the child is living, or the relative with whom the child is living; the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public of the date, time, and place of the hearing.

SECTION 964. 48.38 (5m) (c) of the statutes is amended to read:

48.38 (5m) (c) Any person who is provided notice of the hearing may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, ~~treatment foster parent,~~ operator of a facility in which a child is living, or relative with whom a child is living who receives notice of a hearing under par. (b) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 965. 48.38 (5m) (e) of the statutes is amended to read:

48.38 (5m) (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child's parent, guardian, and legal custodian; the child's foster parent ~~or treatment foster parent,~~ the operator of the facility in which the child is living, or the relative with whom the child is living; the child's court-appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

SECTION 967. 48.42 (2) (d) of the statutes is amended to read:

48.42 (2) (d) Any other person to whom notice is required to be given by ch. 822, excluding foster parents and ~~treatment foster parents~~ who shall be provided notice as required under sub. (2g).

SECTION 968. 48.42 (2g) (a) of the statutes is amended to read:

48.42 (2g) (a) In addition to causing the summons and petition to be served as required under sub. (2), the petitioner shall also notify any foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) of the child of all hearings on the petition. The first notice to any foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) shall be written, shall have a copy of the petition attached to it, shall state the nature, location, date, and time of the initial hearing and shall be mailed to the last-known address of the foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2). Thereafter, notice of hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the time notice was given and the person to whom he or she spoke.

SECTION 969. 48.42 (2g) (am) of the statutes is amended to read:

48.42 (2g) (am) The court shall give a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (a) an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under par. (a) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 970. 48.42 (2g) (b) of the statutes is amended to read:

48.42 (2g) (b) Failure to give notice under par. (a) to a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the proceeding. If a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under par. (a), that person may request a rehearing on the matter at any time prior to the entry of an order under s. 48.427 (2) or (3). If the request is made, the court shall order a rehearing.

SECTION 970g. 48.422 (9) (b) of the statutes is amended to read:

48.422 (9) (b) If a birth parent does not comply with par. (a), the court shall order any health care provider, as defined under s. 146.81 (1) (a) to (p), known to have provided care to the birth parent or parents to provide the court with any health care records of the birth parent or parents that are relevant to the child's medical condition or genetic history. A court order for the release of alcohol or drug abuse treatment records subject to 21 USC 1175 or 42 USC 4582 shall comply with 42 CFR 2.

SECTION 971. 48.427 (1m) of the statutes is amended to read:

48.427 (1m) In addition to any evidence presented under sub. (1), the court shall give the foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) of the child an opportunity to be heard at the dispositional hearing by permitting the foster parent, ~~treatment foster parent~~ or other physical custodian to make a written or oral statement during the dispositional hearing, or to submit a written statement prior to disposition, relevant to the issue of disposition. A foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 972. 48.427 (3m) (a) 5. of the statutes is amended to read:

48.427 (3m) (a) 5. A relative with whom the child resides, if the relative has filed a petition to adopt the child or if the relative is a kinship care relative or is receiving payments under s. 48.62 (4) for providing care and maintenance for the child.

SECTION 973. 48.427 (3m) (am) of the statutes is amended to read:

48.427 (3m) (am) Transfer guardianship and custody of the child to a county department authorized to accept guardianship under s. 48.57 (1) (hm) for placement of the child for adoption by the child's foster parent or ~~treatment foster parent~~, if the county department has agreed to accept guardianship and custody of the child and the foster parent or ~~treatment foster parent~~ has agreed to adopt the child.

SECTION 974. 48.428 (2) (a) of the statutes is amended to read:

48.428 (2) (a) Except as provided in par. (b), when a court places a child in sustaining care after an order under s. 48.427 (4), the court shall transfer legal custody of the child to the county department, the department, in a county having a population of 500,000 or more, or a licensed child welfare agency, transfer guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and place the child in the home of a licensed foster parent, ~~licensed treatment foster parent~~, or kinship care relative with whom the child has resided for 6 months or longer. Pursuant to ~~such a~~ the placement, this

licensed foster parent, ~~licensed treatment foster parent~~, or kinship care relative shall be a sustaining parent with the powers and duties specified in sub. (3).

SECTION 975. 48.428 (2) (b) of the statutes is amended to read:

48.428 (2) (b) When a court places a child in sustaining care after an order under s. 48.427 (4) with a person who has been appointed as the guardian of the child under s. 48.977 (2), the court may transfer legal custody of the child to the county department, the department, in a county having a population of 500,000 or more, or a licensed child welfare agency, transfer guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am) and place the child in the home of a licensed foster parent, ~~licensed treatment foster parent~~, or kinship care relative with whom the child has resided for 6 months or longer. Pursuant to such a the placement, that licensed foster parent, ~~licensed treatment foster parent~~, or kinship care relative shall be a sustaining parent with the powers and duties specified in sub. (3). If the court transfers guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), the court shall terminate the guardianship under s. 48.977.

SECTION 976. 48.428 (4) of the statutes is amended to read:

48.428 (4) Before a licensed foster parent, ~~licensed treatment foster parent~~ or kinship care relative may be appointed as a sustaining parent, the foster parent, ~~treatment foster parent~~ or kinship care relative shall execute a contract with the agency responsible for providing services to the child, in which the foster parent, ~~treatment foster parent~~ or kinship care relative agrees to provide care for the child until the child's 18th birthday unless the placement order is changed by the court because the court finds that the sustaining parents are no longer able or willing to provide the sustaining care or the court finds that the behavior of the sustaining parents toward the child would constitute grounds for the termination of parental rights if the sustaining parent was the birth parent of the child.

SECTION 977. 48.43 (5) (b) of the statutes is amended to read:

48.43 (5) (b) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (a). At least 10 days before the date of the hearing, the court shall provide notice of the time, date, and purpose of the hearing to the agency that prepared the report, the child's guardian, the child, if he or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent~~, other physical custodian described in s. 48.62 (2), or the operator of the facility in which the child is living.

SECTION 978. 48.43 (5m) of the statutes is amended to read:

48.43 (5m) Either the court or the agency that prepared the permanency plan shall furnish a copy of the

original plan and each revised plan to the child, if he or she is 12 years of age or over, and to the child's foster parent, ~~the child's treatment foster parent~~ or the operator of the facility in which the child is living.

SECTION 979. 48.47 (40) of the statutes is created to read:

48.47 (40) FOSTER CARE PUBLIC INFORMATION. Conduct a foster care public information campaign.

SECTION 979v. 48.48 (8p) of the statutes is created to read:

48.48 (8p) To reimburse tribes and county departments, from the appropriation under s. 20.437 (1) (kz), for unexpected or unusually high-cost out-of-home care placements of Indian children by tribal courts. In this subsection, "unusually high-cost out-of-home care placements" means the amount by which the cost to a tribe or to a county department of out-of-home care placements of Indian children by tribal courts exceeds \$50,000 in a fiscal year.

SECTION 980. 48.48 (9) of the statutes is amended to read:

48.48 (9) To license foster homes or ~~treatment foster homes~~ as provided in s. 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if requested to do so, for the use of county departments.

SECTION 981. 48.48 (17) (a) 3. of the statutes is amended to read:

48.48 (17) (a) 3. Provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing the children in licensed foster homes, ~~treatment foster homes~~, or group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing the children in the homes of guardians under s. 48.977 (2), or contracting for services for those children by licensed child welfare agencies, except that the department may not purchase the educational component of private day treatment programs unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 982. 48.48 (17) (a) 8. of the statutes is amended to read:

48.48 (17) (a) 8. License foster homes or ~~treatment foster homes~~ in accordance with s. 48.75.

SECTION 983. 48.48 (17) (a) 10. of the statutes is repealed.

SECTION 984. 48.48 (17) (c) 4. of the statutes is amended to read:

48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home, or residential care center for

children and youth, ~~or subsidized guardianship home under s. 48.62 (5).~~

SECTION 985. 48.48 (17) (c) 4. of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

48.48 (17) (c) 4. Is living in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth.

SECTION 986. 48.481 (1) (a) of the statutes is amended to read:

48.481 (1) (a) The department shall distribute \$497,200 in each fiscal year to counties for the purpose of supplementing payments for the care of an individual who attains age 18 after 1986 and who resided in a ~~foster home or a treatment foster home~~ licensed under s. 48.62 for at least 2 years immediately prior to attaining age 18 and, for at least 2 years, received ~~exceptional foster care or treatment foster care~~ payments for exceptional circumstances in order to avoid institutionalization, as provided under rules promulgated by the department, so that the individual may live in a family home or other noninstitutional situation after attaining age 18. No county may use funds provided under this paragraph to replace funds previously used by the county for this purpose.

SECTION 987. 48.52 (1) (a) of the statutes is amended to read:

48.52 (1) (a) Receiving homes to be used for the temporary care of children; ;

SECTION 988. 48.52 (1) (b) of the statutes is amended to read:

48.52 (1) (b) Foster homes ~~or treatment foster homes;~~ ;

SECTION 989. 48.52 (1) (c) of the statutes is amended to read:

48.52 (1) (c) Group homes; ~~and;~~ ;

SECTION 989f. 48.545 (2) (a) (intro.) of the statutes is amended to read:

48.545 (2) (a) (intro.) From the appropriations under s. 20.437 (1) (eg) and (nL), the department shall distribute ~~\$2,215,200~~ \$2,097,700 in each fiscal year to applying nonprofit corporations and public agencies operating in a county having a population of 500,000 or more ~~and \$1,199,300, \$1,171,800~~ in each fiscal year to applying county departments under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county having a population of 500,000 or more, ~~and \$55,000 in each fiscal year to Diverse and Resilient, Inc.~~ to provide programs to accomplish all of the following:

SECTION 989s. 48.563 (2) of the statutes is amended to read:

48.563 (2) BASIC COUNTY ALLOCATION. For children and family services under s. 48.569 (1) (d), the department shall distribute not more than ~~\$67,452,000 in each~~ \$51,577,400 in fiscal year 2009-10 and not more than \$63,264,700 in fiscal year 2010-11 and in each fiscal year thereafter.

SECTION 990. 48.569 (1) (d) of the statutes is amended to read:

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

SECTION 991. 48.57 (1) (c) of the statutes is amended to read:

48.57 (1) (c) To provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing those children in licensed foster homes, ~~treatment foster homes,~~ or group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing those children in the homes of guardians under s. 48.977 (2), or contracting for services for those children by licensed child welfare agencies, except that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 992. 48.57 (1) (hm) of the statutes is amended to read:

48.57 (1) (hm) If a county department in a county with a population of less than 500,000, to accept guardianship, when appointed by the court, of a child whom the county department has placed in a foster home ~~or treatment foster home~~ under a court order or voluntary agreement under s. 48.63 and to place that child under its guardianship for adoption by the foster parent ~~or treatment foster parent.~~

SECTION 993. 48.57 (1) (i) of the statutes is amended to read:

48.57 (1) (i) To license foster homes ~~or treatment foster homes~~ in accordance with s. 48.75.

SECTION 994. 48.57 (3) (a) 4. of the statutes is amended to read:

48.57 (3) (a) 4. Is living in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5).

SECTION 996. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 ~~(1) (ke) (2) (md)~~, the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$215 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 997. 48.57 (3m) (b) 2. of the statutes is amended to read:

48.57 (3m) (b) 2. When any kinship care relative of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person, ~~including any right to unpaid amounts accrued at the time of application and any right to amounts~~ accruing during the time that payments are made under this subsection, is assigned to the state. If a child who is the beneficiary of a payment under this subsection is also the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

SECTION 999. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 (3n) (am) (intro.) From the appropriation under s. 20.437 ~~(1) (ke) (2) (md)~~, the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make monthly payments for each child in the amount specified in sub. (3m) (am) (intro.) to a long-term kinship care relative who is providing care and maintenance for that child if all of the following conditions are met:

SECTION 1000. 48.57 (3n) (b) 2. of the statutes is amended to read:

48.57 (3n) (b) 2. When any long-term kinship care relative of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person, ~~including any right to unpaid amounts accrued at the time of application and any right to amounts~~ accruing during the time that payments are made under this subsection, is assigned to the state. If a child is the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

SECTION 1003. 48.60 (2) (e) of the statutes is amended to read:

48.60 (2) (e) A licensed foster home ~~or a licensed treatment foster home~~.

SECTION 1004. 48.61 (3) of the statutes is amended to read:

48.61 (3) To provide appropriate care and training for children in its legal or physical custody and, if licensed to do so, to place children in licensed foster homes, ~~licensed treatment foster homes~~, and licensed group homes and in the homes of guardians under s. 48.977 (2).

SECTION 1005. 48.61 (7) of the statutes is amended to read:

48.61 (7) To license foster homes ~~or treatment foster homes~~ in accordance with s. 48.75 if licensed to do so.

SECTION 1006. 48.615 (1) (b) of the statutes is amended to read:

48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that places children in licensed foster homes, ~~licensed treatment foster homes~~, and licensed group homes, and in the homes of guardians under s. 48.977 (2), the child welfare agency must pay to the department a biennial fee of \$254.10.

SECTION 1007. Subchapter XIV (title) of chapter 48 [precedes 48.619] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XIV

FOSTER HOMES AND ~~TREATMENT FOSTER HOMES~~

SECTION 1008. 48.619 of the statutes is amended to read:

48.619 Definition. In this subchapter, "child" means a person under 18 years of age and also includes, for purposes of counting the number of children for whom a foster home, ~~treatment foster home~~, or group home may provide care and maintenance, a person 18 years of age or over, but under 19 years of age, who is a full-time student at a secondary school or its vocational or technical equivalent, who is reasonably expected to complete the pro-

gram before reaching 19 years of age, who was residing in the foster home, ~~treatment foster home~~, or group home immediately prior to his or her 18th birthday, and who continues to reside in that foster home, ~~treatment foster home~~, or group home.

SECTION 1009. 48.62 (title) of the statutes is amended to read:

48.62 (title) Licensing of foster homes and ~~treatment foster homes~~; rates.

SECTION 1010. 48.62 (1) (a) of the statutes is renumbered 48.62 (1).

SECTION 1011. 48.62 (1) (b) of the statutes is repealed.

SECTION 1012. 48.62 (2) of the statutes is amended to read:

48.62 (2) A relative, or a guardian of a child who provides care and maintenance for the child is not required to obtain the license specified in this section. The department, county department, or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home ~~or a treatment foster home~~ to a relative who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home ~~or treatment foster home~~ for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. The department, a county department, or a licensed child welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., license the guardian's home as a foster home ~~or treatment foster home~~ for the guardian's minor ward who is living in the home and who is placed in the home by court order. Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., who are licensed to operate foster homes ~~or treatment foster homes~~ are subject to the department's licensing rules.

SECTION 1013. 48.62 (3) of the statutes is amended to read:

48.62 (3) When the department, a county department, or a child welfare agency issues a license to operate a foster home ~~or a treatment foster home~~, the department, county department, or child welfare agency shall notify the clerk of the school district in which the foster home ~~or treatment foster home~~ is located that a foster home ~~or treatment foster home~~ has been licensed in the school district.

SECTION 1014d. 48.62 (4) of the statutes is amended to read:

48.62 (4) Monthly payments in foster care shall be provided according to the ~~age-related~~ rates specified in this subsection. Beginning on January 1, 2008 2010, the ~~age-related~~ rates are \$333 \$215 for care and maintenance provided by a relative of a child of any age and, for care and maintenance provided by a nonrelative. \$349 for a child under 5 years of age; ~~\$363~~ \$381 for a child 5 to 11

years of age; ~~\$414~~ \$433 for a child 12 to 14 years of age; and ~~\$432~~ \$452 for a child 15 years of age or over. Beginning on January 1, 2009 2011, the ~~age-related~~ rates are \$349 \$220 for care and maintenance provided by a relative of a child of any age and, for care and maintenance provided by a nonrelative. \$366 for a child under 5 years of age; ~~\$381~~ \$400 for a child 5 to 11 years of age; ~~\$433~~ \$455 for a child 12 to 14 years of age; and ~~\$452~~ \$475 for a child 15 years of age or over. In addition to these grants for basic maintenance, the department shall make supplemental payments for ~~special needs, exceptional circumstances, care in a treatment foster home, and initial clothing allowances~~ foster care to a foster home that is receiving an age-related rate under this subsection that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home according to the rules promulgated by the department under sub. (8) (c).

SECTION 1015. 48.62 (5) (a) (intro.) of the statutes is amended to read:

48.62 (5) (a) (intro.) Subject to par. (d), a county department or, in a county having a population of 500,000 or more, the department shall provide monthly subsidized guardianship payments in the amount specified in par. (e) to a guardian of a child under s. 48.977 (2) or under a substantially similar tribal law or law of another state who was licensed as the child's foster parent ~~or treatment foster parent~~ before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department if the guardian meets the conditions specified in par. (c) 1. and 2. and if the child meets any of the following conditions:

SECTION 1017. 48.62 (5) (d) of the statutes is amended to read:

48.62 (5) (d) The department shall request from the secretary of the federal department of health and human services a waiver of the requirements under 42 USC 670 to 679a that would authorize the state to receive federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent or treatment foster parent before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department. If the waiver is approved for a county having a population of 500,000 or more, the department shall provide the monthly payments under par. (a) from the appropriations under s. 20.437 (1) ~~(ex), (gx), (kw), and (mx)~~ (dd) and (pd). If the waiver is approved for any other county, the department shall determine which counties are authorized to provide monthly payments under par. (a) or (b), and the county departments of those counties shall provide those payments from moneys received under s. 48.569 (1) (d).

SECTION 1018. 48.62 (5) (d) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

48.62 (5) (d) The department shall request from the secretary of the federal department of health and human services a waiver of the requirements under 42 USC 670 to 679a that would authorize the state to receive federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent ~~or treatment foster parent~~ before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department. If the waiver is approved for a county having a population of 500,000 or more, the department shall provide the monthly payments under par. (a) from the appropriations under s. 20.437 (1) (dd) and (pd). If the waiver is approved for any other county, the department shall determine which counties are authorized to provide monthly payments under par. (a) or (b), and the county departments of those counties shall provide those payments from moneys received under s. 48.569 (1) (d).

SECTION 1020. 48.62 (6) of the statutes is amended to read:

48.62 (6) The department or a county department may recover an overpayment made under sub. (4) or (5) from a foster parent, ~~treatment foster parent~~, guardian, or interim caretaker who continues to receive those payments ~~under sub. (4) or (5)~~ by reducing the amount of the person's monthly payment. The department may by rule specify other methods for recovering those overpayments ~~made under sub. (4) or (5)~~. A county department that recovers an overpayment under this subsection due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

SECTION 1021. 48.62 (7) of the statutes is amended to read:

48.62 (7) In each federal fiscal year, the department shall ensure that there are no more than 2,200 children in foster care ~~and treatment foster care~~ placements for more than 24 months, consistent with the best interests of each child. Services provided in connection with this requirement shall comply with the requirements under P.L. 96-272.

SECTION 1022. 48.62 (8) of the statutes is created to read:

48.62 (8) The department shall promulgate rules relating to foster homes as follows:

(a) Rules providing levels of care that a foster home is licensed to provide. Those levels of care shall be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee,

and any other requirements relating to the ability of the licensee to provide for those needs that the department may promulgate by rule.

(b) Rules establishing a standardized assessment tool to assess the needs of a child placed or to be placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home that is licensed to provide a given level of care under par. (a) may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed to provide.

(c) Rules providing monthly rates of reimbursement for foster care that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home. Those rates shall include rates for supplemental payments for special needs, exceptional circumstances, and initial clothing allowances for children placed in a foster home that is receiving an age-related monthly rate under sub. (4). In promulgating the rules under this paragraph, the department shall provide a mechanism for equalizing the amount of reimbursement received by a foster parent prior to the promulgation of those rules and the amount of reimbursement received by a foster parent under those rules so as to reduce the amount of any reimbursement that may be lost as a result of the implementation of those rules.

(d) Rules providing a monthly retainer fee for a foster home that agrees to maintain openings for emergency placements.

SECTION 1022b. 48.62 (9) of the statutes is created to read:

48.62 (9) As soon as the department is ready to implement the rules promulgated under sub. (8), the secretary shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register that states the date on which the provisions of 2009 Wisconsin Act (this act), relating to foster care levels of care will become effective.

SECTION 1023. 48.625 (3) of the statutes is amended to read:

48.625 (3) This section does not apply to a foster home licensed under s. 48.62 (1) (a) ~~or to a treatment foster home licensed under s. 48.62 (1) (b)~~.

SECTION 1024. 48.627 (title) of the statutes is amended to read:

48.627 (title) Foster, ~~treatment foster~~ and family-operated group home parent insurance and liability.

SECTION 1025. 48.627 (2) (a) of the statutes is amended to read:

48.627 (2) (a) Before the department, a county department, or a licensed child welfare agency may issue, renew, or continue a foster home, ~~treatment foster home~~ or family-operated group home license, the licensing agency shall require the applicant to furnish proof satis-

factory to the licensing agency that he or she has homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by children placed in a foster home, ~~treatment foster home~~ or family-operated group home that result in bodily injury or property damage to 3rd parties.

SECTION 1026. 48.627 (2c) of the statutes is amended to read:

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

SECTION 1027. 48.627 (2m) of the statutes is amended to read:

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

SECTION 1028. 48.627 (2s) (a) of the statutes is amended to read:

48.627 (2s) (a) Acts or omissions of the foster, ~~treatment foster~~ or family-operated group home parent that result in bodily injury to the child who is placed in the foster home, ~~treatment foster home~~ or family-operated group home or that form the basis for a civil action for damages by the foster child's parent against the foster, ~~treatment foster~~ or family-operated group home parent.

SECTION 1029. 48.627 (2s) (b) of the statutes is amended to read:

48.627 (2s) (b) Bodily injury or property damage caused by an act or omission of a child who is placed in the foster, ~~treatment foster~~ or family-operated group home parent's care for which the foster, ~~treatment foster~~ or family-operated group home parent becomes legally liable.

SECTION 1030. 48.627 (3) (b) of the statutes is amended to read:

48.627 (3) (b) A claim under sub. (2m) shall be submitted to the department within 90 days after the bodily injury or property damage occurs. A claim under sub. (2s) shall be submitted within 90 days after a foster, ~~treat-~~

~~ment foster~~ or family-operated group home parent learns that a legal action has been commenced against that parent. No claim may be paid under this subsection unless it is submitted within the time limits specified in this paragraph.

SECTION 1031. 48.627 (3) (d) of the statutes is amended to read:

48.627 (3) (d) No claim may be approved in an amount exceeding the total amount available for paying claims under this subsection in the fiscal year during which the claim is submitted. No claim for property damage sustained by a foster, ~~treatment foster~~ or family-operated group home parent or a member of a foster, ~~treatment foster~~ or family-operated group home parent's family may be approved in an amount exceeding \$250,000.

SECTION 1032. 48.627 (3) (e) of the statutes is amended to read:

48.627 (3) (e) The department may not approve a claim unless the foster, ~~treatment foster~~ or family-operated group home parent submits with the claim evidence that is satisfactory to the department of the cause and value of the claim and evidence that insurance coverage is unavailable or inadequate to cover the claim. If insurance is available but inadequate, the department may approve a claim only for the amount of the value of the claim that it determines is in excess of the amount covered by insurance.

SECTION 1033. 48.627 (3) (f) of the statutes is amended to read:

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

SECTION 1034. 48.627 (3) (h) of the statutes is amended to read:

48.627 (3) (h) If a claim by a foster, ~~treatment foster~~ or family-operated group home parent or a member of the foster, ~~treatment foster~~ or family-operated group home parent's family is approved, the department shall deduct from the amount approved \$100 less any amount deducted by an insurance company from a payment for the same claim, except that a foster, ~~treatment foster~~ or

family-operated group home parent and his or her family are subject to only one deductible for all claims filed in a fiscal year.

SECTION 1035. 48.627 (4) of the statutes is amended to read:

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

SECTION 1036. 48.627 (5) of the statutes is amended to read:

48.627 (5) The attorney general may represent a foster, ~~treatment foster~~ or family-operated group home parent in any civil action arising out of an act or omission of the foster, ~~treatment foster~~ or family-operated group home parent while acting in his or her capacity as a foster, ~~treatment foster~~ or family-operated group home parent.

SECTION 1037. 48.63 (1) of the statutes is amended to read:

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

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

SECTION 1038. 48.63 (3) (b) 2. of the statutes is amended to read:

48.63 (3) (b) 2. The department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.60 may place a child under subd. 1. in the home of a proposed adoptive parent or parents who reside in this state if that home is licensed as a foster home or ~~treatment foster home~~ under s. 48.62.

SECTION 1039. 48.63 (4) of the statutes is amended to read:

48.63 (4) A permanency plan under s. 48.38 is required for each child placed in a foster home or ~~treatment foster home~~ under sub. (1). If the child is living in a foster home or ~~treatment foster home~~ under a voluntary agreement, the agency that negotiated or acted as intermediary for the placement shall prepare the permanency plan within 60 days after the date on which the child was removed from his or her home under the voluntary agreement. A copy of each plan shall be provided to the child if he or she is 12 years of age or over and to the child's parent or guardian. If the agency that arranged the voluntary placement intends to seek a court order to place the child outside of his or her home at the expiration of the voluntary placement, the agency shall prepare a revised permanency plan and file that revised plan with the court prior to the date of the hearing on the proposed placement.

SECTION 1040. 48.64 (title) of the statutes is amended to read:

48.64 (title) Placement of children in foster homes, ~~treatment foster homes~~ and group homes.

SECTION 1041. 48.64 (1) of the statutes is amended to read:

48.64 (1) DEFINITION. In this section, "agency" means the department, the department of corrections, a county department, or a licensed child welfare agency authorized to place children in foster homes, ~~treatment foster homes~~, or group homes.

SECTION 1042. 48.64 (1m) of the statutes is amended to read:

48.64 (1m) FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME AGREEMENTS. If an agency places a child in a foster home, ~~treatment foster home~~ or group home under a court order or voluntary agreement under s. 48.63, the agency shall enter into a written agreement with the head of the home. The agreement shall provide that the agency shall have access at all times to the child and the home, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require ~~it~~ release to the agency. If a child has been in a foster home, ~~treatment foster home~~ or group home for 6 months or more, the agency shall give the head of the

home written notice of intent to remove the child, stating the reasons for the removal. The child may not be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the receipt of the notice, whichever is later, unless the safety of the child requires it or, in a case in which the reason for removal is to place the child for adoption under s. 48.833, unless all of the persons who have the right to request a hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the safety of the child requires earlier removal, s. 48.19 shall apply. If an agency removes a child from an adoptive placement, the head of the home shall have no claim against the placing agency for the expense of care, clothing, or medical treatment.

SECTION 1043. 48.64 (1r) of the statutes is amended to read:

48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a school-age child in a foster home, ~~a treatment foster home~~ or a group home, the agency shall notify the clerk of the school district in which the foster home, ~~treatment foster home~~ or group home is located that a school-age child has been placed in a foster home, ~~treatment foster home~~ or group home in the school district.

SECTION 1044. 48.64 (2) of the statutes is amended to read:

48.64 (2) SUPERVISION OF FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME PLACEMENTS. Every child in a foster home, ~~treatment foster home~~ or group home shall be under the supervision of an agency.

SECTION 1045. 48.64 (4) (a) of the statutes is amended to read:

48.64 (4) (a) Any decision or order issued by an agency that affects the head of a foster, ~~treatment foster~~ or group home or the children involved may be appealed to the department under fair hearing procedures established under department rules. The department shall, upon receipt of an appeal, give the head of the home reasonable notice and opportunity for a fair hearing. The department may make ~~such~~ any additional investigation as that the department considers necessary. The department shall give notice of the hearing to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this subsection, the head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses. The department

shall grant a continuance for a reasonable period of time when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department. The department shall make the record available at any reasonable time and at an accessible place to the head of the home or his or her representative. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in an agency action being appealed may participate in the final administrative decision on that action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

SECTION 1046. 48.64 (4) (c) of the statutes is amended to read:

48.64 (4) (c) The circuit court for the county where the dispositional order placing a child in a foster home, ~~treatment foster home~~, or group home was entered or the voluntary agreement under s. 48.63 so placing a child was made has jurisdiction upon petition of any interested party over a child who is placed in a foster home, ~~treatment foster home~~, or group home. The circuit court may call a hearing, at which the head of the home and the supervising agency under sub. (2) shall be present, for the purpose of reviewing any decision or order of that agency involving the placement and care of the child. If the child has been placed in a foster home, the foster parent may present relevant evidence at the hearing. The petitioner has the burden of proving by clear and convincing evidence that the decision or order issued by the agency is not in the best interests of the child.

SECTION 1047. 48.645 (1) (a) of the statutes is amended to read:

48.645 (1) (a) The child is living in a foster home ~~or treatment foster home~~ licensed under s. 48.62 if a license is required under that section, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, in a subsidized guardianship home under s. 48.62 (5), or in a residential care center for children and youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment foster home~~, group home, subsidized guardianship home, or center by a county department under s. 46.215, 46.22, or 46.23, by the department, or by a feder-

ally recognized American Indian tribal governing body in this state under an agreement with a county department under s. 46.215, 46.22, or 46.23.

SECTION 1048. 48.645 (2) (a) 1. of the statutes is amended to read:

48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster home or ~~treatment foster home~~ having a license under s. 48.62, in a foster home or ~~treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, or in a group home licensed under s. 48.625; a subsidized guardian or interim caretaker under s. 48.62 (5) who cares for the dependent child; or a minor custodial parent who cares for the dependent child; regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1) (d) for aid granted under this section except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 1049. 48.645 (2) (a) 3. of the statutes is amended to read:

48.645 (2) (a) 3. A county or, in a county having a population of 500,000 or more, the department, when the child is placed in a licensed foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in a subsidized guardianship home by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or if the child was removed from the home of a relative as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made under an agreement with the county department or the department.

SECTION 1050. 48.645 (2) (a) 4. of the statutes is amended to read:

48.645 (2) (a) 4. A licensed foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or a subsidized guardianship home when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body, or when the child was part of the state's direct service case load and was removed from the home of a relative as a result of a judicial determination that

continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department.

SECTION 1051. 48.645 (2) (b) of the statutes is amended to read:

48.645 (2) (b) Notwithstanding par. (a), aid under this section may not be granted for placement of a child in a foster home or ~~treatment foster home~~ licensed by a federally recognized American Indian tribal governing body, for placement of a child in a foster home, ~~treatment foster home~~, group home, subsidized guardianship home, or residential care center for children and youth by a tribal governing body or its designee, or for the placement of a child who is a ward of a tribal court if the tribal governing body is receiving or is eligible to receive funds from the federal government for that type of placement.

SECTION 1051n. 48.648 of the statutes is created to read:

48.648 Foster children's bill of rights. (1) The department and all county departments and licensed child welfare agencies shall respect the rights of all foster children. These rights shall include the right to all of the following:

- (a) Live in a safe, healthy, and comfortable home where the foster child is treated with respect.
- (b) Be free from physical, sexual, emotional, or other abuse or corporal punishment.
- (c) Receive adequate and healthy food and adequate clothing.
- (d) Receive medical, dental, vision, and mental health services.
- (e) Be free from the administration of medication or chemical substances, unless authorized by a physician.
- (f) Contact family members, unless prohibited by court order.
- (g) Visit and contact siblings, unless prohibited by court order.
- (h) Contact the department, a county department, or a licensed child welfare agency regarding violations of rights, to speak to representatives of those agencies confidentially, and to be free from threats or punishments for making complaints.
- (i) Make and receive confidential telephone calls and send and receive confidential mail and electronic mail, if electronic mail is available at the foster child's placement.
- (j) Attend religious services and activities of the foster child's choice.
- (k) Manage personal income, consistent with the foster child's age and developmental level, unless prohibited by the foster child's case plan.
- (L) Not be locked in any room.
- (m) Attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the foster child's age and developmental level.

(n) Work as permitted under state and federal law and to develop job skills at an age-appropriate level.

(o) Have social contacts with people outside of the child welfare system, such as teachers, church members, mentors, and friends.

(p) Attend court hearings and speak to the judge.

(q) Have storage space for private use.

(r) Review the foster child's permanency plan if he or she is over 12 years of age and to receive information about that permanency plan and any changes to that permanency plan.

(s) Be free from unreasonable searches of personal belongings.

(t) Have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnicity, ancestry, national origin, religion, sex, sexual orientation, mental or physical disability, or human immunodeficiency virus status.

(u) Have access, if 16 years of age or over, to information regarding the educational options available, including the prerequisites for vocational and postsecondary education options and information regarding financial aid for postsecondary education.

(2) When a child is placed in a foster home, the department, county department, or licensed child welfare agency placing the child shall provide the child with a written copy of the foster children's bill of rights in the child's primary language, if possible, and shall inform the child of the rights provided by the foster children's bill of rights orally using language or means that are appropriate to the child's age and developmental level and that ensure that the child understands the meaning of the bill of rights.

SECTION 1051o. 48.649 of the statutes is created to read:

48.649 Foster parent's bill of rights. (1) The department and all county departments and licensed child welfare agencies shall respect the rights of all foster parents. These rights shall include the right to all of the following:

(a) Be treated with dignity, respect, and consideration as a professional member of the child welfare team.

(b) Be given training prior to receiving children in the home and appropriate ongoing training to meet the foster parent's needs and improve the foster parent's skills.

(c) Be informed of how to contact the appropriate agency in order to receive information on and assistance in accessing supportive services for a foster child in the foster parent's care.

(d) Receive timely financial reimbursement commensurate with the care needs of a foster child in the foster parent's care as specified in the foster child's permanency plan.

(e) Be provided a clear, written understanding of the permanency plan and case plan of a child placed in the

foster parent's care to the extent that those plans concern the placement of the foster child in the foster parent's home.

(f) Be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided with the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation.

(g) Receive information that is necessary and relevant to the care of a foster child placed in the foster parent's care at any time during which the foster child is placed with the foster parent.

(h) Be notified of scheduled meetings and provided with information relating to the case management of a foster child placed in the foster parent's care in order to actively participate in the case planning and decision-making process regarding the foster child.

(i) Be informed of decisions regarding a foster child placed in the foster parent's care made by the court or the agency responsible for the care and placement of the foster child.

(j) Provide input concerning the case plan of a foster child placed in the foster parent's care and to have that input given full consideration in the same manner as information presented by any other professional member of the child welfare team and to communicate with other professionals who work with the foster child within the context of the child welfare team, including therapists, physicians, and teachers.

(k) Be given, in a timely and consistent manner, any information a case worker has regarding a foster child placed in the foster parent's care and the child's family that is pertinent to the care and needs of the foster child and to the making of a case plan for the foster child.

(L) Be given clear instruction on the disclosure of information concerning a foster child placed in the foster parent's care and the foster child's family.

(m) Be given reasonable written notice of any changes to the permanency plan of a foster child placed in the foster parent's care, plans to remove a foster child from the foster parent's home, and the reasons for removing the foster child, except under circumstances when the foster child is in imminent risk of harm.

(n) Be notified in a timely and complete manner of all court hearings and of the rights of the foster parent at the hearing.

(o) Be considered as a placement option when a foster child who was formerly placed with the foster parent reenters foster care, if that placement is consistent with the best interest of the child and of any other children in the home.

(p) Have timely access to any administrative or judicial appeal processes and to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.

(2) The department, county department, or licensed child welfare agency shall provide a foster parent with a written copy of the foster parent's bill of rights in his or her primary language, if possible, when the department, county department, or licensed child welfare agency issues or renews a foster care license.

SECTION 1052. 48.65 (3) (a) of the statutes is amended to read:

48.65 (3) (a) Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 4 to 8 children, the day care center must pay to the department a biennial fee of \$60.50. Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 9 or more children, the day care center must pay to the department a biennial fee of \$30.25, plus a biennial fee of ~~\$10.33~~ \$16.94 per child, based on the number of children that the day care center is licensed to serve. A day care center that wishes to continue a license issued under sub. (1) shall pay the applicable fee under this paragraph by the continuation date of the license. A new day care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the day care center.

SECTION 1053d. 48.651 (1) (intro.) of the statutes is amended to read:

48.651 (1) (intro.) ~~Each county department shall certify~~ No person, other than a day care center licensed under s. 48.65 or established or contracted for under s. 120.13 (14), may receive reimbursement for providing child care services for an individual who is determined eligible for a child care subsidy under s. 49.155 unless the person is certified, according to the standards adopted by the department under s. 49.155 (1d), ~~each day care provider reimbursed for child care services provided to families determined eligible under s. 49.155, unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification by the department in a county having a population of 500,000 or more, a county department, or an agency with which the department contracts under sub. (2).~~ To be certified under this section, a person must meet the minimum requirements for certification established by the department under s. 49.155 (1d), meet the requirements specified in s. 48.685, and pay the fee specified in ~~this section.~~ sub. (2). The department in a county having a population of 500,000 or more, a county department, or an agency contracted with under sub. (2) shall certify the following categories of day care providers:

SECTION 1054d. 48.651 (1) (a) of the statutes is amended to read:

48.651 (1) (a) Level I certified family day care providers, as established by the department under s. 49.155 (1d). ~~No county may certify a provider~~ may be certified

under this paragraph if the provider is a relative of all of the children for whom he or she provides care.

SECTION 1055d. 48.651 (2) of the statutes is created to read:

48.651 (2) The department in a county having a population of 500,000 or more or a county department shall certify day care providers under sub. (1) or the department may contract with a Wisconsin Works agency, as defined in s. 49.001 (9), child care resource and referral agency, or other agency to certify day care providers under sub. (1) in a particular geographic area or for a particular Indian tribal unit. The department in a county having a population of 500,000 or more or a county department that certifies day care providers under sub. (1) may charge a fee to cover the costs of certifying those providers. An agency contracted with under this subsection may charge a fee specified by the department to supplement the amount provided by the department under the contract for certifying day care providers.

SECTION 1055m. 48.651 (2c) of the statutes is created to read:

48.651 (2c) From the allocation under s. 49.175 (1) (p), the department shall do all of the following:

(a) Reimburse a county having a population of 500,000 or more for all approved, allowable certification costs, as provided in s. 49.826 (2) (c).

(b) For contracts with agencies entered into under sub. (2), allocate available funds, as determined by the department, in proportion to the number of certified providers, applications for certification, previously experienced certification costs, estimated certification costs, or such other measures as the department determines.

SECTION 1056d. 48.651 (2m) of the statutes is amended to read:

48.651 (2m) ~~Each~~ The department in a county having a population of 500,000 or more, a county department, or an agency contracted with under sub. (2) shall provide the department of health services with information about each person who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

SECTION 1056t. 48.657 (2m) of the statutes is created to read:

48.657 (2m) The department shall make available on the department's Internet site, as part of the department's licensed day care center search database, a specific description of any violation described in sub. (1) and a description of any steps taken by the day care center to correct the violation.

SECTION 1057. 48.659 of the statutes is created to read:

48.659 Child care quality rating system. The department shall provide a child care quality rating system that rates the quality of the child care provided by a child care provider licensed under s. 48.65 that receives reimbursement under s. 49.155 for the child care pro-

vided or that volunteers for rating under this section. The department shall make the rating information provided under that system available to the parents, guardians, and legal custodians of children who are recipients, or prospective recipients, of care and supervision from a child care provider that is rated under this section, including making that information available on the department's Internet site.

SECTION 1058. Subchapter XVI (title) of chapter 48 [precedes 48.66] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XVI

LICENSING PROCEDURES AND REQUIREMENTS FOR CHILD WELFARE AGENCIES, FOSTER HOMES, ~~TREATMENT FOSTER HOMES,~~ GROUP HOMES, DAY CARE CENTERS, AND COUNTY DEPARTMENTS

SECTION 1059. 48.66 (1) (a) of the statutes is amended to read:

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

SECTION 1060. 48.66 (1) (c) of the statutes is amended to read:

48.66 (1) (c) A license issued under par. (a) or (b), other than a license to operate a foster home, ~~treatment foster home,~~ or secured residential care center for children and youth, is valid until revoked or suspended. A license issued under this subsection to operate a foster home, ~~treatment foster home,~~ or secured residential care center for children and youth may be for any term not to exceed 2 years from the date of issuance. No license issued under par. (a) or (b) is transferable.

SECTION 1061. 48.67 (intro.) of the statutes is amended to read:

48.67 Rules governing child welfare agencies, day care centers, foster homes, ~~treatment foster homes,~~ group homes, shelter care facilities, and county departments. (intro.) The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day care centers, foster homes, ~~treatment foster homes,~~ group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health,

safety, and welfare of the children in the care of all licensees. The department shall consult with the department of commerce, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. For foster homes, those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall include rules that require all of the following:

SECTION 1062. 48.67 (4) of the statutes is created to read:

48.67 (4) That all foster parents successfully complete training in the care and support needs of children who are placed in foster care that has been approved by the department. The department shall promulgate rules prescribing the training that is required under this subsection and shall monitor compliance with this subsection according to those rules.

SECTION 1062b. 48.67 (4) of the statutes, as created by this act, is amended to read:

48.67 (4) That all foster parents ~~and treatment foster parents~~ successfully complete training in the care and support needs of children who are placed in foster care ~~or treatment foster care~~ that has been approved by the department. The department shall promulgate rules prescribing the training that is required under this subsection and shall monitor compliance with this subsection according to those rules.

SECTION 1063. 48.675 (1) of the statutes is amended to read:

48.675 (1) **DEVELOPMENT OF PROGRAM.** The department shall develop a foster care education program to provide specialized training for persons operating family foster homes ~~or treatment foster homes.~~ Participation in the program shall be voluntary and shall be limited to persons operating foster homes ~~or treatment foster homes~~ licensed under s. 48.62 and caring for children with special treatment needs.

SECTION 1064. 48.675 (2) of the statutes is amended to read:

48.675 (2) **APPROVAL OF PROGRAMS.** The department shall promulgate rules for approval of programs to meet the requirements of this section. ~~Such~~ Those programs may include, ~~but need not be limited to:~~ in-service training; workshops and seminars developed by the department or by county departments; seminars and courses offered through public or private education agencies; and workshops, seminars, and courses pertaining to behavioral and developmental disabilities and to the development of mutual support services for foster parents ~~and treatment foster parents.~~ The department may approve programs under this subsection only after consideration of relevant factors including level of education, useful or necessary skills, location, and other criteria as determined by the department.

SECTION 1065. 48.675 (3) (intro.) of the statutes is amended to read:

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

SECTION 1066. 48.675 (3) (a) of the statutes is amended to read:

48.675 (3) (a) Care of residents of the foster home ~~or treatment foster home~~ during the time of participation in an education program.

SECTION 1067. 48.68 (1) of the statutes is amended to read:

48.68 (1) After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67 and meets the requirements specified in s. 48.685, if applicable. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employee of the applicant, that constitutes a substantial failure by the applicant or employee to protect and promote the health, safety, and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.615 (1) (a) or (b), 48.625 (2) (a), 48.65 (3) (a), or 938.22 (7) (b), the department shall issue a license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the ~~age-related~~ monthly foster care rates and supplemental payments specified in s. 48.62 (4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

SECTION 1068. 48.685 (1) (b) of the statutes is amended to read:

48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s. 48.60 to provide care and maintenance for children, to place children for adoption, or to license foster homes ~~or treatment foster homes~~; a foster home ~~or treatment foster home~~ that is licensed under s. 48.62; a group home that is licensed under s. 48.625; a shelter care facility that is licensed under s. 938.22; a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14); a day care provider that is certified under s. 48.651; or a temporary employment agency that provides caregivers to another entity.

SECTION 1069. 48.685 (2) (c) 1. of the statutes is amended to read:

48.685 (2) (c) 1. If the person who is the subject of the search under par. (am) is seeking an initial license to operate a foster home ~~or treatment foster home~~ or is seeking relicensure after a break in licensure, the department,

county department, or child welfare agency shall request under 42 USC 16962 (b) a fingerprint-based check of the national crime information databases, as defined in 28 USC 534 (f) (3) (A). The department, county department, or child welfare agency may release any information obtained under this subdivision only as permitted under 42 USC 16962 (e).

SECTION 1070. 48.685 (2) (c) 2. of the statutes is amended to read:

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

SECTION 1071d. 48.685 (4m) (a) (intro.) of the statutes is amended to read:

48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home or treatment foster home under s. 48.62, and a school board may not contract with a person under s. 120.13 (14), if the department, county department, contracted agency, child welfare agency, or school board knows or should have known any of the following:

SECTION 1072d. 48.685 (4m) (a) (intro.) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home ~~or treatment foster home~~ under s. 48.62, and a school board may not contract with a person under s. 120.13 (14), if the department, county department, contracted agency, child

welfare agency, or school board knows or should have known any of the following:

SECTION 1073d. 48.685 (4m) (ad) of the statutes is amended to read:

48.685 (4m) (ad) The department, a county department, or a child welfare agency may license a foster home or treatment foster home under s. 48.62, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify a day care provider under s. 48.651, and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am) indicating that the person is not ineligible to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

SECTION 1074d. 48.685 (4m) (ad) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

48.685 (4m) (ad) The department, a county department, or a child welfare agency may license a foster home ~~or treatment foster home~~ under s. 48.62, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify a day care provider under s. 48.651, and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am) indicating that the person is not ineligible to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

SECTION 1075d. 48.685 (5) (a) of the statutes is amended to read:

48.685 (5) (a) Subject to par. (bm), the department may license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify under s. 48.651, a county department or a child welfare agency may license under s. 48.62, and a school board may contract with under s. 120.13 (14) a person who otherwise may not be licensed, certified, or contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity a person who otherwise may not be employed, contracted with, or permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the county department, the contracted agency, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

SECTION 1076. 48.685 (5) (bm) (intro.) of the statutes is amended to read:

48.685 (5) (bm) (intro.) For purposes of licensing a foster home ~~or treatment foster home~~ for the placement

of a child on whose behalf foster care maintenance payments under s. 48.62 (4) will be provided, no person who has been convicted of any of the following offenses may be permitted to demonstrate that he or she has been rehabilitated:

SECTION 1077d. 48.685 (5m) of the statutes is amended to read:

48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home or treatment foster home under s. 48.62, and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a day care center, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may refuse to certify a day care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14), and a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) ~~and~~ or a day care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the day care center or day care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, day care center, or day care provider, substantially related to the care of a client.

SECTION 1078d. 48.685 (5m) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home ~~or treatment foster home~~ under s. 48.62, and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a day care center, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may refuse to certify a day care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14), and a day care center that is licensed under s. 48.65 or established or

contracted for under s. 120.13 (14) or a day care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the day care center or day care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, day care center, or day care provider, substantially related to the care of a client.

SECTION 1079d. 48.685 (6) (a) of the statutes is amended to read:

48.685 (6) (a) The department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) shall require any day care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home or treatment foster home under s. 48.62, and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

SECTION 1080d. 48.685 (6) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

48.685 (6) (a) The department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) shall require any day care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home ~~or treatment foster home~~ under s. 48.62, and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

SECTION 1081. 48.70 (2) of the statutes is amended to read:

48.70 (2) SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. A license to a child welfare agency shall also specify the kind of child welfare work the agency is authorized to undertake, whether the agency may accept guardianship of children, whether the agency may place children in foster homes ~~or treatment foster homes~~, and if so, the area the agency is equipped to serve.

SECTION 1082. 48.73 of the statutes is amended to read:

48.73 Inspection of licensees. The department may visit and inspect each child welfare agency, foster home, ~~treatment foster home~~, group home, and day care center licensed by it the department, and for ~~such~~ that purpose shall be given unrestricted access to the premises described in the license.

SECTION 1083. 48.75 (title) of the statutes is amended to read:

48.75 (title) Foster homes and ~~treatment foster homes~~ licensed by public licensing agencies and by child welfare agencies.

SECTION 1084. 48.75 (1d) of the statutes is amended to read:

48.75 (1d) Child welfare agencies, if licensed to do so by the department, and public licensing agencies may license foster homes ~~and treatment foster homes~~ under the rules promulgated by the department under s. 48.67 governing the licensing of foster homes ~~and treatment foster homes~~. A foster home ~~or treatment foster home~~ license shall be issued for a term not to exceed 2 years from the date of issuance, is not transferable, and may be revoked by the child welfare agency or by the public licensing agency because the licensee has substantially and intentionally violated any provision of this chapter or of the rules of the department promulgated ~~pursuant to~~ under s. 48.67 or because the licensee fails to meet the minimum requirements for a license. The licensee shall be given written notice of any revocation and the grounds ~~therefor~~ for the revocation.

SECTION 1085. 48.75 (1r) of the statutes is amended to read:

48.75 (1r) At the time of initial licensure and license renewal, the child welfare agency or public licensing agency issuing a license under sub. (1d) or (1g) shall provide the licensee with written information relating to the ~~age-related~~ monthly foster care rates and supplemental payments specified in s. 48.62 (4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

SECTION 1086. 48.75 (2) of the statutes is amended to read:

48.75 (2) Any foster home ~~or treatment foster home~~ applicant or licensee of a public licensing agency or a child welfare agency may, if aggrieved by the failure to issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

SECTION 1086f. 48.78 (2) (i) of the statutes is created to read:

48.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing information to a relative of a child placed outside of his or her home only to the extent necessary to facilitate the establishment of a relationship between the child and the relative or a placement of the child with the relative. In this paragraph, "relative"

includes a relative whose relationship is derived through a parent of the child whose parental rights are terminated.

SECTION 1087. 48.833 (1) of the statutes is amended to read:

48.833 (1) **PLACEMENT BY DEPARTMENT OR COUNTY DEPARTMENT.** The department or a county department under s. 48.57 (1) (e) or (hm) may place a child for adoption in a licensed foster home ~~or a licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the department or county department is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child and if the proposed adoptive parents have completed the preadoption preparation required under s. 48.84 (1) or the department or county department determines that the proposed adoptive parents are not required to complete that preparation. When a child is placed under this subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption, the department or county department making the placement shall enter into a written agreement with the proposed adoptive parent, which shall state the date on which the child is placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the proposed adoptive parent.

SECTION 1088. 48.833 (2) of the statutes is amended to read:

48.833 (2) **PLACEMENT BY CHILD WELFARE AGENCY.** A child welfare agency licensed under s. 48.60 may place a child for adoption in a licensed foster home ~~or a licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the child welfare agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child and if the proposed adoptive parents have completed the preadoption preparation required under s. 48.84 (1) or the child welfare agency determines that the proposed adoptive parents are not required to complete that preparation. When a child is placed under this subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption, the child welfare agency making the placement shall enter into a written agreement with the proposed adoptive parent, which shall state the date on which the child is placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the proposed adoptive parent.

SECTION 1089. 48.837 (1) of the statutes is amended to read:

48.837 (1) **IN-STATE ADOPTIVE PLACEMENT.** When the proposed adoptive parent or parents of a child reside in this state and are not relatives of the child, a parent having custody of a child and the proposed adoptive parent or parents of the child may petition the court for placement of the child for adoption in the home of the proposed adoptive parent or parents if the home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

SECTION 1090. 48.837 (1r) (b) of the statutes is amended to read:

48.837 (1r) (b) The department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.60 may place a child under par. (a) in the home of a proposed adoptive parent or parents who reside in this state if that home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

SECTION 1091. 48.88 (2) (am) 1. of the statutes is amended to read:

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

SECTION 1092. 48.88 (2) (am) 2. of the statutes is amended to read:

48.88 (2) (am) 2. If the petitioner was required to obtain a license to operate a foster home ~~or treatment foster home~~ before placement of the child for adoption, the agency making the investigation shall obtain information maintained by the department regarding any substantiated reports of child abuse or neglect against the petitioner and any other adult residing in the petitioner's home. If the petitioner or other adult residing in the petitioner's home is not, or at any time within the 5 years preceding the date of the search has not been, a resident of this state, the agency shall check any child abuse or neglect registry maintained by any state or other U.S. jurisdiction in which the petitioner or other adult is a resident or was a resident within those 5 years for information that is equivalent to the information maintained by the department regarding substantiated reports of child abuse or neglect. The agency may not use any information obtained under this subdivision for any purpose other than a background search under this subdivision.

SECTION 1093. 48.975 (3) (a) 1. of the statutes is amended to read:

48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was in foster care, ~~treatment foster care,~~ or subsidized guardianship care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the

amount of that child's foster care, ~~treatment foster care~~, or subsidized guardianship care payment at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

SECTION 1094. 48.975 (3) (a) 2. of the statutes is amended to read:

48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster care, ~~treatment foster care~~, or subsidized guardianship care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the uniform foster care rate applicable to the child that is in effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

SECTION 1095. 48.98 (1) of the statutes is amended to read:

48.98 (1) No person may bring a child into this state or send a child out of this state for the purpose of placing the child in foster care or ~~treatment foster care~~ or for the purpose of adoption without a certificate from the department that the home is suitable for the child.

SECTION 1096. 48.98 (2) (a) of the statutes is amended to read:

48.98 (2) (a) Any person, except a county department or licensed child welfare agency, who brings a child into this state for the purpose of placing the child in a foster home or ~~treatment foster home~~ shall, before the child's arrival in this state, file with the department a \$1,000 non-cancelable bond in favor of this state, furnished by a surety company licensed to do business in this state. The condition of the bond shall be that the child will not become dependent on public funds for his or her primary support before the child reaches age 18 or is adopted.

SECTION 1097. 48.981 (3) (a) 3. of the statutes is amended to read:

48.981 (3) (a) 3. ~~A~~ Except as provided in sub. (3m), a county department, the department, or a licensed child welfare agency under contract with the department shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the sheriff or police department all cases of suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am), (g), or (gm), or neglect, each county department, the department, and a licensed child welfare agency under contract with the department shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

SECTION 1098. 48.981 (3) (c) 1. a. of the statutes is amended to read:

48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the agency shall evaluate the report to determine whether there is reason to suspect that a caregiver has abused or neglected the child, has threat-

ened the child with abuse or neglect, or has facilitated or failed to take action to prevent the suspected or threatened abuse or neglect of the child. If Except as provided in sub. (3m), if the agency determines that a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of the child, determines that a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of the child, or cannot determine who abused or neglected the child, within 24 hours after receiving the report the agency shall, in accordance with the authority granted to the department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child is in need of protection or services. If the agency determines that a person who is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in accordance with that authority, initiate a diligent investigation to determine if the child is in need of protection or services. Within 24 hours after receiving a report under par. (a) of suspected unborn child abuse, the agency, in accordance with that authority, shall initiate a diligent investigation to determine if the unborn child is in need of protection or services. An investigation under this subd. 1. a. shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations or unborn child abuse investigations.

SECTION 1099. 48.981 (3) (d) 1. of the statutes is amended to read:

48.981 (3) (d) 1. In this paragraph, "agent" includes, ~~but is not limited to,~~ a foster parent, ~~treatment foster parent~~ or other person given custody of a child or a human services professional employed by a county department under s. 51.42 or 51.437 or by a child welfare agency who is working with a child or an expectant mother of an unborn child under contract with or under the supervision of the department in a county having a population of 500,000 or more or a county department under s. 46.22.

SECTION 1100. 48.981 (3m) of the statutes is created to read:

48.981 (3m) ALTERNATIVE RESPONSE PILOT PROGRAM. (a) In this subsection, "substantial abuse or neglect" means abuse or neglect or threatened abuse or neglect that under the guidelines developed by the department under par. (b) constitutes severe abuse or neglect or a threat of severe abuse or neglect and a significant threat to the safety of a child and his or her family.

(b) The department shall establish a pilot program under which an agency in a county having a population of 500,000 or more or a county department that is selected to participate in the pilot program may employ alternative responses to a report of abuse or neglect or of threatened abuse or neglect. The department shall select an agency in a county having a population of 500,000 or more and not more than 4 county departments to participate in the pilot program in accordance with the depart-

ment's request-for-proposal procedures and according to criteria developed by the department. Those criteria shall include an assessment of the plan of an agency or county department for involving the community in providing services for a family that is participating in the pilot program and a determination of whether an agency or a county department has an agreement with local law enforcement agencies and the representative of the public under s. 48.09 to ensure interagency cooperation in implementing the pilot program. To implement the pilot program, the department shall provide all of the following:

1. Guidelines for determining the appropriate alternative response to a report of abuse or neglect or of threatened abuse or neglect, including guidelines for determining what types of abuse or neglect or threatened abuse or neglect constitute substantial abuse or neglect. The department need not promulgate those guidelines as rules under ch. 227.

2. Training and technical assistance for an agency or county department that is selected to participate in the pilot program.

(c) Immediately after receiving a report under sub. (3) (a), an agency or county department that is participating in the pilot program shall evaluate the report to determine the most appropriate alternative response under subds. 1. to 3. to the report. Based on that evaluation, the agency or county department shall respond to the report as follows:

1. If the agency or county department determines that there is reason to suspect that substantial abuse or neglect has occurred or is likely to occur or that an investigation under sub. (3) is otherwise necessary to ensure the safety of the child and his or her family, the agency or county department shall investigate the report as provided in sub. (3). If in conducting that investigation the agency or county department determines that it is not necessary for the safety of the child and his or her family to complete the investigation, the agency or county department may terminate the investigation and conduct an assessment under subd. 2. If the agency or county department terminates an investigation, the agency or county department shall document the reasons for terminating the investigation and notify any law enforcement agency that is cooperating in the investigation.

2. a. If the agency or county department determines that there is reason to suspect that abuse or neglect, other than substantial abuse or neglect, has occurred or is likely to occur, but that under the guidelines developed by the department under par. (b) there is no immediate threat to the safety of the child and his or her family and court intervention is not necessary, the agency or county department shall conduct a comprehensive assessment of the safety of the child and his or her family, the risk of subsequent abuse or neglect, and the strengths and needs

of the child's family to determine whether services are needed to address those issues assessed and, based on the assessment, shall offer to provide appropriate services to the child's family on a voluntary basis or refer the child's family to a service provider in the community for the provision of those services.

b. If the agency or county department employs the assessment response under subd. 2. a., the agency or county department is not required to refer the report to the sheriff or police department under sub. (3) (a) 3. or determine by a preponderance of the evidence under sub. (3) (c) 4. that abuse or neglect has occurred or is likely to occur or that a specific person has abused or neglected the child. If in conducting the assessment the agency or county department determines that there is reason to suspect that substantial abuse or neglect has occurred or is likely to occur or that an investigation under sub. (3) is otherwise necessary to ensure the safety of the child and his or her family, the agency or county department shall immediately commence an investigation under sub. (3).

3. If the agency or county department determines that there is no reason to suspect that abuse or neglect has occurred or is likely to occur, the agency or county department shall refer the child's family to a service provider in the community for the provision of appropriate services on a voluntary basis. If the agency or county department employs the community services response under this subdivision, the agency or county department is not required to conduct an assessment under subd. 2., refer the report to the sheriff or police department under sub. (3) (a) 3., or determine by a preponderance of the evidence under sub. (3) (c) 4. that abuse or neglect has occurred or is likely to occur or that a specific person has abused or neglected the child.

(d) The department shall conduct an evaluation of the pilot program and, by July 1, 2012, shall submit a report of that evaluation to the governor and to the appropriate standing committees of the legislature under s. 13.172 (3). The evaluation shall assess the issues encountered in implementing the pilot program and the overall operations of the pilot program, include specific measurements of the effectiveness of the pilot program, and make recommendations to improve that effectiveness. Those specific measurements shall include all of the following:

1. The turnover rate of the agency or county department caseworkers providing services under the pilot program.

2. The number of families referred for each type of response specified in par. (c) 1. to 3.

3. The number of families that accepted, and the number of families that declined to accept, services offered under par. (c) 2. and 3.

4. The effectiveness of the evaluation under par. (c) (intro.) in determining the appropriate response under par. (c) 1. to 3.

5. The impact of the pilot program on the number of out-of-home placements of children by the agencies or county departments participating in the pilot program.

6. The availability of services to address the issues of child and family safety, risk of subsequent abuse or neglect, and family strengths and needs in the communities served under the pilot project.

7g. The rate at which children referred for each type of response specified in par. (c) 1. to 3. are subsequently the subjects of reports of suspected or threatened abuse or neglect.

7m. The satisfaction of families referred for each type of response specified in par. (c) 1. to 3. with the process used to respond to those referrals.

7r. The cost effectiveness of responding to reports of suspected or threatened abuse or neglect in the manner provided under the pilot program.

SECTION 1101. 48.981 (7) (a) 4. of the statutes is amended to read:

48.981 (7) (a) 4. A child's foster parent, ~~treatment foster parent~~ or other person having physical custody of the child or a person having physical custody of the expectant mother of an unborn child, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.

SECTION 1101c. 48.981 (7) (a) 4m. of the statutes is created to read:

48.981 (7) (a) 4m. A relative of a child placed outside of his or her home only to the extent necessary to facilitate the establishment of a relationship between the child and the relative or a placement of the child with the relative. In this subdivision, "relative" includes a relative whose relationship is derived through a parent of the child whose parental rights are terminated.

SECTION 1102. 48.983 (1) (b) 1. c. of the statutes is amended to read:

48.983 (1) (b) 1. c. A family that includes a person who has contacted a county department or an Indian tribe that has been awarded a grant under this section or, in a county having a population of 500,000 or more that has been awarded a grant under this section, the department or a licensed child welfare agency under contract with the department requesting assistance to prevent poor birth outcomes or abuse or neglect of a child in the person's family and with respect to which an individual responding to the request has determined that all of the conditions in subd. 2. exist.

SECTION 1103. 48.983 (1) (b) 2. a. of the statutes is amended to read:

48.983 (1) (b) 2. a. There is a substantial risk of poor birth outcomes or future abuse or neglect of a child in the family if assistance is not provided.

SECTION 1106d. 48.983 (2) of the statutes is amended to read:

48.983 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected by the department under sub.

(5) to participate in the program under this section, the department shall award, from the appropriation under s. 20.437 (2) (1) (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and (am). The minimum amount of a grant is \$10,000. The department shall determine the amount of a grant awarded to a county, other than a county with a population of 500,000 or more, or Indian tribe in excess of the minimum amount based on the need of the county or Indian tribe for a grant, as determined by a formula that the department shall promulgate by rule. That formula shall determine that need based on the number of births that are funded by medical assistance Medical Assistance under subch. IV of ch. 49 in that county or the reservation of that Indian tribe ~~in proportion to the number of births that are funded by medical assistance under subch. IV of ch. 49 in all of the counties and the reservations of all of the Indian tribes to which grants are awarded under this section~~ and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rates of those outcomes, in that county or the reservation of that Indian tribe. The department shall determine the amount of a grant awarded to a county with a population of 500,000 or more in excess of the minimum amount based on the need of the county for a grant, as determined by a formula that the department shall promulgate by rule. That formula shall determine that need based on 60% of the number of births that are funded by medical assistance Medical Assistance under subch. IV of ch. 49 in that county ~~in proportion to the number of births that are funded by medical assistance under subch. IV of ch. 49 in all of the counties and the reservations of all of the Indian tribes to which grants are awarded under this section~~ and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rates of those outcomes, in that county.

SECTION 1110d. 48.983 (4) (a) 4m. of the statutes is amended to read:

48.983 (4) (a) 4m. Other than in a county with a population of 500,000 or more, to reimburse a case management provider under s. 49.45 (25) (b) for the amount of the allowable charges under the ~~medical assistance~~ Medical Assistance program that is not provided by the federal government for case management services provided to a ~~medical assistance~~ Medical Assistance beneficiary described in s. 49.45 (25) (am) 9. who is a child and who is a member of a family that receives home visitation program services under par. (b) 1.

SECTION 1111d. 48.983 (4) (b) 1. of the statutes is amended to read:

48.983 (4) (b) 1. A county, other than a county with a population of 500,000 or more, or an Indian tribe that is selected to participate in the program under this section shall ~~select persons who are first-time parents and offer all pregnant women in the county or the reservation of the~~

tribe who are eligible for ~~medical assistance~~ Medical Assistance under subch. IV of ch. 49 ~~and shall offer each of those persons an opportunity to undergo an assessment through use of a risk assessment instrument to determine whether the parent person assessed presents risk factors for poor birth outcomes or for perpetrating child abuse or neglect. Persons who are selected and who agree to be assessed shall be assessed during the prenatal period, if possible, or as close to the time of the child's birth as possible. The risk assessment instrument shall be developed by the department and shall be based on risk assessment instruments developed by the department for similar programs that are in operation. The department need not promulgate as rules under ch. 227 the risk assessment instrument developed under this subdivision. A person who is assessed to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall be offered home visitation program services that shall be commenced during the prenatal period. Home visitation program services may be provided to a family with a child identified as being at risk of child abuse or neglect until the identified child reaches 3 years of age. If a family has been receiving home visitation program services continuously for not less than 12 months, those services may continue to be provided to the family until the identified child reaches 3 years of age, regardless of whether the child continues to be eligible for Medical Assistance under subch. IV of ch. 49.~~ If risk factors for child abuse or neglect with respect to the identified child continue to be present when the child reaches 3 years of age, home visitation program services may be provided until the identified child reaches 5 years of age. Home visitation program services may not be provided to a person unless the person gives his or her written informed consent to receiving those services or, if the person is a child, unless the child's parent, guardian or legal custodian gives his or her written informed consent for the child to receive those services.

SECTION 1112. 48.983 (4) (b) 2. of the statutes is repealed.

SECTION 1113. 48.983 (4) (b) 3. of the statutes is amended to read:

48.983 (4) (b) 3. A county or Indian tribe that is providing home visitation program services under subd. 1. ~~or 2.~~ shall provide to a person receiving those services the information relating to shaken baby syndrome and impacted babies required under s. 253.15 (6).

SECTION 1114. 48.983 (5) of the statutes is amended to read:

48.983 (5) **SELECTION OF COUNTIES AND INDIAN TRIBES.** The department shall provide competitive application procedures for selecting counties and Indian tribes for participation in the program under this section. The department shall establish a method for ranking applicants for selection based on the quality of their applications. In ranking the applications submitted by

counties, the department shall give favorable consideration to a county that has indicated under sub. (6) (d) 2. that it is willing to use a portion of any moneys distributed to the county under s. 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member of a family that is a case and that has explained under sub. (6) (d) 2. how the county plans to use that portion of those moneys to promote the provision of those services for the case by using a wraparound process so as to provide those services in a flexible, comprehensive and individualized manner in order to reduce the necessity for court-ordered services. The department shall also provide application requirements and procedures for the renewal of a grant awarded under this section. The application procedures and the renewal application requirements and procedures shall be clear and understandable to the applicants. The department need not promulgate as rules under ch. 227 the application procedures, the renewal application requirements or procedures, or the method for ranking applicants established under this subsection.

SECTION 1116. 48.983 (6) (a) 1. of the statutes is amended to read:

48.983 (6) (a) 1. Information on how the applicant's home visitation program is comprehensive and incorporates practice standards that have been developed for home visitation programs by entities concerned with the prevention of poor birth outcomes and child abuse and neglect and that are acceptable to the department.

SECTION 1117. 48.983 (6) (a) 2. of the statutes is amended to read:

48.983 (6) (a) 2. Documentation that the application was developed through collaboration among public and private organizations that provide services to children and families, especially children who are at risk of child abuse or neglect and families that are at risk of poor birth outcomes, or that are otherwise interested in child welfare and a description of how that collaboration effort will support a comprehensive home visitation program.

SECTION 1118. 48.983 (6) (a) 3. of the statutes is amended to read:

48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse and neglect prevention services that are available to residents of the county or reservation of the Indian tribe and a description of how those services and any additional needed services will support a comprehensive home visitation program.

SECTION 1119. 48.983 (6) (a) 4. of the statutes is amended to read:

48.983 (6) (a) 4. An explanation of how the home visitation program will build on existing poor birth outcome and child abuse and neglect prevention programs, including programs that provide support to families, and how the home visitation program will coordinate with those programs.

SECTION 1120. 48.983 (6) (a) 5. of the statutes is created to read:

48.983 (6) (a) 5. An explanation of how the applicant, in collaboration with local prenatal care coordination providers, will implement strategies aimed at achieving healthy birth outcomes, as determined by performance measures prescribed by the department of health services, in the county or reservation of the Indian tribe.

SECTION 1121. 48.983 (6) (b) 1. of the statutes is amended to read:

48.983 (6) (b) 1. 'Flexible fund for home visitation programs.' The applicant demonstrates in the application that the applicant has established, or has plans to establish, if selected, a fund from which payments totaling not more than \$1,000 less than \$250 per calendar year may be made for appropriate expenses of each family that is participating in the home visitation program under sub. (4) (b) 1. or that is receiving home visitation services under s. 49.45 (44). The payments shall be authorized by an individual designated by the applicant. If an applicant makes a payment to or on behalf of a family under this subdivision, one-half of the payment shall be from grant moneys received under this section and one-half of the payment shall be from moneys provided by the applicant from sources other than grant moneys received under this section.

SECTION 1122. 48.983 (6) (b) 2. of the statutes is amended to read:

48.983 (6) (b) 2. 'Flexible fund for cases.' The applicant demonstrates in the grant application that the applicant has established, or has plans to establish, if selected, a fund from which payments totaling not more than \$500 less than \$250 for each case may be made for appropriate expenses related to the case. The payments shall be authorized by an individual designated by the applicant. If an applicant makes a payment to or on behalf of a person under this subdivision, one-half of the payment shall be from grant moneys received under this section and one-half of the payment shall be from moneys provided by the applicant from sources other than grant moneys received under this section. The applicant shall demonstrate in the grant application that it has established, or has plans to establish, if selected, procedures to encourage, when appropriate, a person to whom or on whose behalf payments are made under this subdivision to make a contribution to the fund described in this subdivision up to the amount of payments made to or on behalf of the person when the person's financial situation permits such a contribution.

SECTION 1124. 48.983 (6) (d) 2. of the statutes is amended to read:

48.983 (6) (d) 2. The applicant indicates in the grant application whether the applicant is willing to use a portion of any moneys distributed to the applicant under s. 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical Assistance beneficiary under

s. 49.45 (25) (am) 9. who is a case or who is a member of a family that is a case. If the applicant is so willing, the applicant shall explain how the applicant plans to use that portion of those moneys to promote the provision of those services for the case by using a wraparound process so as to provide those services in a flexible, comprehensive and individualized manner in order to reduce the necessity for court-ordered services.

SECTION 1125. 48.983 (6) (f) of the statutes is created to read:

48.983 (6) (f) *Reinvestment of Medical Assistance reimbursement.* The applicant agrees to reinvest in the program under this section a portion of the reimbursement received by the applicant under the Medical Assistance program under subch. IV of ch. 49. The department and the applicant shall negotiate the amount of that reinvestment based on the applicant's administrative costs for billing the Medical Assistance program for reimbursement for services provided under this section and the ratio of Medical Assistance reimbursement received for those services to the amount billed to the Medical Assistance program for those services.

SECTION 1126. 48.983 (6g) (a) of the statutes is amended to read:

48.983 (6g) (a) Except as permitted or required under s. 48.981 (2), no person may use or disclose any information concerning any individual who is selected for an assessment under sub. (4) (b), including an individual who declines to undergo the assessment, or concerning any individual who is offered services under a home visitation program funded under this section, including an individual who declines to receive those services, unless the use or disclosure is connected with the administration of the home visitation program or the administration of the ~~medical assistance~~ Medical Assistance program under ss. 49.43 to 49.497 or unless the individual has given his or her written informed consent to the use or disclosure.

SECTION 1127. 48.983 (7) (a) 1. of the statutes is amended to read:

48.983 (7) (a) 1. The number of poor birth outcomes and substantiated reports of child abuse and neglect.

SECTION 1128. 48.986 (4) of the statutes is amended to read:

48.986 (4) A county may use the funds distributed under this section to fund additional foster parents, ~~treatment foster parents,~~ and subsidized guardians or interim caretakers to care for abused and neglected children and to fund additional staff positions to provide services related to child abuse and neglect and to unborn child abuse.

SECTION 1129. 49.001 (5p) of the statutes is amended to read:

49.001 (5p) "Relief block grant" means a block grant awarded to a county or tribal governing body under s. 49.025, 2009 stats., s. 49.027 ~~or, 2009 stats., or s. 49.029.~~

SECTION 1130. 49.001 (7) of the statutes is repealed.

SECTION 1131. 49.002 of the statutes is repealed.

SECTION 1132c. 49.01 (3m) of the statutes is repealed and recreated to read:

49.01 (3m) "Relief agency" means a tribal governing body or an agency under contract with a tribal governing body to administer relief if the tribal governing body operates a relief program funded by a relief block grant.

SECTION 1132h. 49.01 (8j) of the statutes is repealed.

SECTION 1133c. 49.015 (1) (a) of the statutes is amended to read:

49.015 (1) (a) Except as provided in sub. (3) (a), the individual resides ~~in a county, or on tax-free land, in on~~ which the ~~county or~~ tribal governing body operates a program funded by a relief block grant.

SECTION 1133e. 49.015 (1) (c) of the statutes is amended to read:

49.015 (1) (c) The individual qualifies under written criteria of dependency under s. 49.02 (1) (b) established by the relief agency ~~in that county or on that tax-free land.~~

SECTION 1133g. 49.015 (3) (a) of the statutes is amended to read:

49.015 (3) (a) A relief agency may waive the requirement under sub. (1) (a) for an individual receiving health care services from a trauma center that meets the criteria established by the American College of Surgeons for classification as a Level I trauma center. ~~If the county waives the requirement under sub. (1) (a) for an individual, the county may seek reimbursement from the individual's county of residence if that county operates a program funded by a relief block grant.~~

SECTION 1134b. 49.02 (1) (intro.) of the statutes is amended to read:

49.02 (1) ELIGIBILITY FOR RELIEF BLOCK GRANTS. (intro.) A ~~county or~~ tribal governing body is eligible to receive a relief block grant if all of the following conditions are met:

SECTION 1134d. 49.02 (1) (a) of the statutes is amended to read:

49.02 (1) (a) The ~~county board or~~ tribal governing body adopts a resolution applying for a relief block grant.

SECTION 1134f. 49.02 (1) (b) of the statutes is amended to read:

49.02 (1) (b) The ~~county or~~ tribal governing body establishes written criteria to be used to determine dependency and reviews these written criteria at least annually.

SECTION 1134h. 49.02 (1) (c) (intro.) of the statutes is amended to read:

49.02 (1) (c) (intro.) The ~~county or~~ tribal governing body submits to the department a plan for the provision of services to be funded by the relief block grant. The plan shall include all of the following:

SECTION 1134j. 49.02 (1) (c) 1. of the statutes is amended to read:

49.02 (1) (c) 1. How the ~~county or~~ tribal governing body will determine eligibility and how these eligibility determinations may be appealed. The procedures for determining eligibility and for notice, fair hearing, and review shall be consistent with rules promulgated by the department under sub. (7m).

SECTION 1134L. 49.02 (1) (c) 2. of the statutes is amended to read:

49.02 (1) (c) 2. How the ~~county or~~ tribal governing body will determine which health care services are needed by a dependent person.

SECTION 1134n. 49.02 (1) (c) 4. of the statutes is repealed.

SECTION 1134p. 49.02 (1e) of the statutes is amended to read:

49.02 (1e) RELIEF AGENCIES. If a ~~county or~~ tribal governing agency body is eligible to receive a relief block grant, the ~~county or~~ tribal governing body shall establish or designate a relief agency to administer relief under this section.

SECTION 1134r. 49.02 (2) (b) of the statutes is amended to read:

49.02 (2) (b) The contract between the relief agency and the private health care provider provides that all records of the health care provider relating to the administration and provision of the health care services shall be open to inspection at all reasonable hours by authorized representatives of the county tribal governing body and the department.

SECTION 1134t. 49.02 (2) (f) of the statutes is amended to read:

49.02 (2) (f) The contract prohibits the health care provider from holding an individual recipient of health care services funded under this section liable for the difference between the costs of the health care services and the amount paid to the health care provider by the county tribal governing body for the services.

SECTION 1135. 49.025 of the statutes is repealed.

SECTION 1136. 49.027 of the statutes is repealed.

SECTION 1138. 49.031 of the statutes is repealed.

SECTION 1138d. 49.133 (1) of the statutes is amended to read:

49.133 (1) The person has been convicted of a felony or misdemeanor that the department or county department under s. 46.215, 46.22, or 46.23 determines substantially relates to the care of children or to the operation of a business.

SECTION 1138f. 49.133 (4) of the statutes is created to read:

49.133 (4) The department or county department under s. 46.215, 46.22, or 46.23 reasonably suspects that the person has intentionally and egregiously violated any provision under the program under which the payments are made or any rule related to the program.

SECTION 1139. 49.136 (1) (m) of the statutes is amended to read:

49.136 (1) (m) "Parent" means a parent, guardian, foster parent, ~~treatment foster parent~~, legal custodian, or a person acting in the place of a parent.

SECTION 1140g. 49.139 of the statutes is created to read:

49.139 Emergency shelter funding. From the appropriation account under s. 20.437 (2) (f), the department shall provide \$50,000 annually, beginning on October 1, 2009, to the Emergency Shelter of the Fox Valley to provide services to homeless individuals and families.

SECTION 1141. 49.141 (1) (s) of the statutes is amended to read:

49.141 (1) (s) "Wisconsin ~~works~~ Works group" means an individual who is a custodial parent, all dependent children with respect to whom the individual is a custodial parent, and all dependent children with respect to whom the individual's dependent child is a custodial parent. "Wisconsin ~~works~~ Works group" includes any nonmarital coparent or any spouse of the individual who resides in the same household as the individual and any dependent children with respect to whom the spouse or nonmarital coparent is a custodial parent. "~~Wisconsin works group~~" ~~does not include any person who is receiving benefits under s. 49.027 (3) (b).~~

SECTION 1144. 49.143 (2) (b) of the statutes is amended to read:

49.143 (2) (b) Establish a children's services network. The children's services network shall provide information about community resources available to the dependent children in a Wisconsin works group, including charitable food and clothing centers; subsidized and low-income housing; transportation subsidies; the state supplemental food program for women, infants and children under s. ~~49.47~~ 253.06; and child care programs. In a county having a population of 500,000 or more, a children's services network shall, in addition, provide a forum for those persons who are interested in the delivery of child welfare services and other services to children and families in the geographical area under sub. (6) served by that children's services network to communicate with and make recommendations to the providers of those services in that geographical area with respect to the delivery of those services in that area.

SECTION 1147. 49.143 (2) (em) of the statutes is amended to read:

49.143 (2) (em) Determine eligibility for and administer child care assistance under s. 49.155 and refer eligible families to county departments under s. 46.215, 46.22 or 46.23 for child care services, if the department contracts with the Wisconsin Works agency to do so.

SECTION 1155. 49.145 (2) (s) of the statutes is amended to read:

49.145 (2) (s) The individual assigns to the state any right of the individual or of any dependent child of the

individual to support or maintenance from any other person, ~~including any right to amounts~~ accruing during the time that any assistance, as defined in 45 CFR 260.31, under Wisconsin Works benefit is paid to the individual. If a minor who is a beneficiary of any assistance under Wisconsin Works benefit is also the beneficiary of support under a judgment or order that includes support for one or more children not receiving ~~a benefit under Wisconsin Works~~ that assistance, any support payment made under the judgment or order is assigned to the state during the period that the minor is a beneficiary of ~~the Wisconsin Works benefit that assistance~~ in the amount that is the proportionate share of the minor receiving the benefit under Wisconsin Works assistance, except as otherwise ordered by the court on the motion of a party. Amounts assigned to the state under this paragraph remain assigned to the state until the amount due to the federal government has been recovered. No amount of support that begins to accrue after the individual ceases to receive ~~benefits~~ assistance under Wisconsin Works may be considered assigned to this state. Except as provided in s. 49.1455, any money that is received by the department in a month under an assignment to the state under this paragraph for an individual applying for or participating in Wisconsin Works and that is not the federal share of support shall be paid to the individual applying for or participating in Wisconsin Works. The department shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

SECTION 1155c. 49.145 (2) (s) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

49.145 (2) (s) The individual assigns to the state any right of the individual or of any dependent child of the individual to support or maintenance from any other person accruing during the time that any assistance, as defined in 45 CFR 260.31, under Wisconsin Works is paid to the individual. If a minor who is a beneficiary of any assistance under Wisconsin Works is also the beneficiary of support under a judgment or order that includes support for one or more children not receiving that assistance, any support payment made under the judgment or order is assigned to the state during the period that the minor is a beneficiary of that assistance in the amount that is the proportionate share of the minor receiving the assistance, except as otherwise ordered by the court on the motion of a party. Amounts assigned to the state under this paragraph remain assigned to the state until the amount due to the federal government has been recovered. No amount of support that begins to accrue after the individual ceases to receive assistance under Wisconsin Works may be considered assigned to this state. Except as provided in s. 49.1455, any 75 percent of all money that is received by the department in a month under an assignment to the state under this paragraph for an individual applying for or participating in Wisconsin Works

and that is not the federal share of support shall be paid to the individual applying for or participating in Wisconsin Works. The department shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

SECTION 1156. 49.1452 of the statutes is created to read:

49.1452 Payment of support arrears. If an individual who formerly participated in, but is no longer participating in, Wisconsin Works assigned to the state under s. 49.145 (2) (s) his or her right or the right of any dependent child of the individual to support or maintenance from any other person, the department shall pay to the individual all money in support or maintenance arrears that is collected by the department after the individual's participation ceased and that accrued while the individual was participating in Wisconsin Works.

SECTION 1157. 49.147 (3) (c) of the statutes is repealed.

SECTION 1158. 49.147 (4) (as) of the statutes is amended to read:

49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and sub. (5m), a Wisconsin works Works agency shall require a participant placed in a community service job program to work in a community service job for the number of hours determined by the Wisconsin works Works agency to be appropriate for the participant at the time of application or review, ~~but not to exceed 30 hours per week. Except as provided in pars. (at) and (av), a Wisconsin works agency may require a participant placed in the community service job program to participate in education or training activities for not more than 10 hours per week except that the Wisconsin Works agency may not require a participant under this subsection to spend more than 40 hours per week in combined activities under this subsection.~~

SECTION 1160. 49.147 (4) (av) of the statutes is amended to read:

49.147 (4) (av) *Education for 18-year-old and 19-year-old students.* A Wisconsin works Works agency shall permit a participant under this subsection who has not attained the age of 20 and who has not obtained a high school diploma or a declaration of equivalency of high school graduation to attend high school or, at the option of the participant, to enroll in a course of study meeting the standards established under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation to satisfy, in whole or in part, the ~~required hours of participation requirement~~ under par. (as).

SECTION 1161. 49.147 (4) (b) of the statutes is repealed.

SECTION 1161c. 49.147 (4m) of the statutes is created to read:

49.147 (4m) **SUBSIDIZED PRIVATE SECTOR EMPLOYMENT.** (a) Subject to pars. (b) and (cm), the department

shall establish and administer a subsidized private sector employment program, under which participants shall be paid the benefits under s. 49.148 (1) (d) for work in projects that the department determines would serve a useful public purpose or projects the cost of which is partially or wholly offset by revenue generated from such projects. An individual may participate in a project under this subsection for a maximum of 6 months, with an opportunity for an extension.

(b) Subject to par. (cm), the department shall begin operating the program under this subsection only if all of the following occur:

1. The secretary structures the subsidized private sector employment program in such a manner that the total cost for a participant in the program under this subsection does not exceed what the total cost would be for the participant in the community service job program administered under sub. (4).

2. The secretary determines that the cash flow to a participant in the subsidized private sector employment program under this subsection, including the advance payment of any tax credit, is not less than what the cash flow would be to the participant in the community service job program administered under sub. (4).

3. The secretary determines that administering the subsidized private sector employment program in the manner provided under this subsection is permitted under federal law or under a waiver, or an amendment to a waiver, approved by the federal department of health and human services for the operation of Wisconsin Works.

(c) 1. If the secretary of children and families determines that a waiver, or an amendment to a waiver, is necessary to administer the subsidized private sector employment program in the manner provided under this subsection, the secretary of children and families shall no later than September 30, 2009, request the waiver or the amendment to the waiver from the secretary of the federal department of health and human services to permit the secretary of children and families to administer the subsidized private sector employment program in the manner provided under this subsection.

2. If the secretary determines that administering the subsidized private sector employment program in the manner provided under this subsection would necessitate changes in the federal Temporary Assistance for Needy Families block grant program legislation under 42 USC 601 et seq., the secretary shall pursue the necessary changes to the federal legislation.

(cm) 1. Except as provided in subd. 2., the department may not begin operating the program under this subsection before January 1, 2011.

2. If the department determines that a waiver, an amendment to a waiver, or changes in the federal Temporary Assistance for Needy Families block grant program legislation are necessary for administering the subsidized

private sector employment program in the manner provided under this section, the department may not begin operating the program under this subsection before the later of the following:

a. The waiver or waiver amendment is approved and in effect or the federal legislation changes are adopted and in effect, or both, whichever is applicable.

b. January 1, 2011.

(d) 1. The department shall promulgate rules for the establishment and administration of the program under this subsection.

2. The department may promulgate emergency rules under s. 227.24 for the establishment and administration of this subsection for the period before the effective date of any permanent rules promulgated under subd. 1., but not to exceed the period authorized under s. 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department is not required to provide evidence that promulgating a rule under this subdivision as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subdivision.

SECTION 1162. 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5) (b) (intro.).

SECTION 1163. 49.147 (5) (b) 1. a. of the statutes is renumbered 49.147 (5) (b) 1m.

SECTION 1164. 49.147 (5) (b) 1. c. of the statutes is renumbered 49.147 (5) (b) 2m.

SECTION 1165. 49.147 (5) (b) 1. d. of the statutes is renumbered 49.147 (5) (b) 3.

SECTION 1166. 49.147 (5) (b) 1. e. of the statutes is renumbered 49.147 (5) (b) 4.

SECTION 1167. 49.147 (5) (b) 2. of the statutes is repealed.

SECTION 1168. 49.147 (5) (bs) of the statutes is amended to read:

49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m), a Wisconsin works Works agency may require a participant placed in a transitional placement to engage in activities under par. (b) ~~1. for up to 28 hours per week. Except as provided in sub. (5m), a Wisconsin works agency may require a participant placed in a transitional placement to participate in education or training activities under par. (bm) for not more than 12 hours per week~~ 1m. to 4. The Wisconsin Works agency may not require a participant under this subsection to spend more than 40 hours per week in combined activities under this subsection.

SECTION 1170. 49.147 (5m) (a) (intro.) of the statutes is amended to read:

49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except as provided in par. (bL), a participant under sub. (4) ~~(b)~~ or (5) may participate in a technical college education program as part of a community

service job placement or transitional placement if all of the following requirements are met:

SECTION 1172c. 49.148 (1) (intro.) of the statutes is amended to read:

49.148 (1) ~~BENEFIT AND WAGE~~ BENEFIT AND WAGE LEVELS FOR PARTICIPANTS IN EMPLOYMENT POSITIONS. (intro.) A participant in a Wisconsin works Works employment position shall receive the following wages or benefits:

SECTION 1173. 49.148 (1) (c) of the statutes is amended to read:

49.148 (1) (c) *Transitional placements.* For a participant in a transitional placement under s. 49.147 (5) or in a transitional placement and in technical college education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin works Works agency. For every hour that the participant fails to participate in any required activity without good cause, including any activity under s. 49.147 (5) (b) ~~1. a. to e.~~ 1m. to 4., the grant amount shall be reduced by \$5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse.

SECTION 1173c. 49.148 (1) (d) of the statutes is created to read:

49.148 (1) (d) *Subsidized private sector employment.* 1. In this paragraph, "benefits" means compensation in the form of the state or federal minimum wage, whichever is higher.

2. For a participant in subsidized private sector employment under s. 49.147 (4m), a monthly grant of not more than \$25, as well as benefits for each hour actually worked in subsidized private sector employment, up to 20 hours per week.

SECTION 1174. 49.148 (1m) (title) of the statutes is amended to read:

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

SECTION 1175. 49.148 (1m) (a) (intro.) of the statutes is created to read:

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

SECTION 1176. 49.148 (1m) (a) of the statutes is amended to read:

49.148 (1m) (a) A custodial parent of a child who is 12 weeks old or less ~~and~~ who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly grant of \$673 unless another adult member of the custodial parent's Wisconsin works Works group is participating in, or is eligible to participate in, a Wisconsin works Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (c). A Wisconsin works Works agency may not require a participant under this subsection to participate in any employment positions. Receipt of a grant under this sub-

section does not constitute participation in a Wisconsin works Works employment position for purposes of the time limits limit under s. 49.145 (2) (n) ~~or 49.147 (3) (e), (4) (b) or (5) (b) 2.~~ if the child is born to the participant not more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works Works employment position.

SECTION 1177. 49.148 (1m) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), is renumbered 49.148 (1m) (a) 1. and amended to read:

49.148 (1m) (a) 1. A custodial parent of a child 12 weeks old or less who meets the eligibility requirements under s. 49.145 (2) and (3) ~~may receive a monthly grant of \$673,~~ unless another adult member of the custodial parent's Wisconsin Works group is participating in, or is eligible to participate in, a Wisconsin Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (c).

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

(c) 1. Receipt of a grant under this subsection by a participant under par. (a) 1. does not constitute participation in a Wisconsin Works employment position ~~for purposes of the time limit under s. 49.145 (2) (n)~~ if the child is born to the participant not more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin Works employment position.

SECTION 1179. 49.148 (1m) (a) 2. of the statutes is created to read:

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

SECTION 1180. 49.148 (1m) (b) of the statutes is amended to read:

49.148 (1m) (b) Receipt of a grant under this subsection constitutes participation in a Wisconsin works Works employment position for purposes of the time ~~limits~~ limit under s. 49.145 (2) (n) ~~and 49.147 (3) (e), (4) (b) or (5) (b) 2.~~ if the child is born to the participant more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works Works employment position unless the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not indicate a freely given agreement to have sexual intercourse or of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a physician and to law enforcement authorities.

SECTION 1181. 49.148 (1m) (b) of the statutes, as affected by 2009 Wisconsin Act (this act), is renumbered 49.148 (1m) (c) 2. and amended to read:

49.148 (1m) (c) 2. Receipt of a grant under this subsection by a participant under par. (a) 1. constitutes participation in a Wisconsin Works employment position ~~for purposes of the time limit under s. 49.145 (2) (n)~~ if the child is born to the participant more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin Works employment position unless the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother did not indicate a freely given agreement to have sexual intercourse or in violation of s. 948.02 or 948.025 or as a result of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a physician and to law enforcement authorities.

SECTION 1182c. 49.148 (1m) (c) (intro.) of the statutes is created to read:

49.148 (1m) (c) (intro.) For purposes of the time limit under s. 49.145 (2) (n), all of the following apply:

SECTION 1182e. 49.148 (1m) (c) 3. of the statutes is created to read:

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

SECTION 1183. 49.148 (4) (b) of the statutes is amended to read:

49.148 (4) (b) The Wisconsin works Works agency may require an individual who tests positive for use of a controlled substance under par. (a) to participate in a drug abuse evaluation, assessment, and treatment program as part of the participation requirement under s. 49.147 (4) ~~(as) (a) and (am) or (5) (bs) (b) and (bm).~~

SECTION 1185. 49.151 (1) (intro.) of the statutes is amended to read:

49.151 (1) REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to participate ~~3 times, as determined under guidelines promulgated under s. 49.1515,~~ in any Wisconsin works Works employment position component is ineligible to participate in ~~that component the Wisconsin Works program for 3 months.~~ A participant is also ineligible to participate in ~~that the Wisconsin works employment position component Works program~~ if an individual in the participant's Wisconsin works Works group is subject to the work requirement under s. 49.15 (2) and refuses ~~3 times~~ to participate as required. ~~A participant whom the Wisconsin works agency has determined is ineligible under this section for a particular Wisconsin works employment position component may be eligible to participate in any other Wisconsin works employment position component in which the participant has not refused to participate 3 times.~~ A participant or an

individual who is subject to the work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of the following applies:

SECTION 1186. 49.151 (1) (b) of the statutes is amended to read:

49.151 (1) (b) The participant, or an individual who is in the participant's Wisconsin works Works group and who is subject to the work requirement under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin works Works agency, to appear for an interview with a prospective employer or, if the participant is in a Wisconsin works Works transitional placement, the participant fails to appear for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e. 1m. to 4.~~, without good cause, as determined by the Wisconsin works Works agency.

SECTION 1187. 49.1515 of the statutes is created to read:

49.1515 Determining nonparticipation without good cause. (1) **GUIDELINES BY RULE.** The department shall by rule specify guidelines for determining when a participant, or individual in the participant's Wisconsin Works group, who engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating a refusal to participate.

(2) **ACTIONS BEFORE DETERMINATION.** Before determining under s. 49.151 that a participant is ineligible to participate in the Wisconsin Works program, the Wisconsin Works agency shall do all of the following:

(a) Determine whether the failure of the participant or individual to participate is because the participant or individual refuses to participate or is unable to participate.

(b) Ensure that the services offered to the participant or individual are appropriate for him or her.

(c) Determine whether good cause exists for the failure to participate.

(3) **CONCILIATION PERIOD FOR COMPLIANCE.** (a) If a Wisconsin Works agency, in accordance with rules promulgated under sub. (1) and after taking the steps required under sub. (2), determines that a participant or individual has refused to participate without good cause, the Wisconsin Works agency shall allow the participant or individual a conciliation period during which he or she must participate in all assigned activities unless good cause exists that prevents compliance during the conciliation period.

(b) The department shall by rule establish the length of time for a conciliation period.

(4) **EMERGENCY RULES PROHIBITED.** Notwithstanding s. 227.24, the department may not promulgate any rules under this section as emergency rules using the procedure under s. 227.24.

SECTION 1188. 49.153 (1) (a) of the statutes is renumbered 49.153 (1) (bm) and amended to read:

49.153 (1) (bm) ~~Provide~~ After providing the explanation under par. (am), provide to the participant written notice of the proposed action and of the reasons for the proposed action.

SECTION 1189. 49.153 (1) (b) of the statutes is renumbered 49.153 (1) (am) and amended to read:

49.153 (1) (am) ~~After providing written notice, explain~~ Explain to the participant orally in person or by phone, or make reasonable attempts to explain to the participant orally in person or by phone, the proposed action and the reasons for the proposed action.

SECTION 1190. 49.153 (1) (c) of the statutes is amended to read:

49.153 (1) (c) After providing the ~~notice under par. (a) and the explanation or the attempts to provide an explanation under par. (b), (am) and the notice under par. (bm), if the participant has not already been afforded a conciliation period under s. 49.1515 (3)~~ allow the participant a reasonable time to rectify the deficiency, failure, or other behavior to avoid the proposed action.

SECTION 1190p. 49.155 (title) of the statutes is amended to read:

49.155 (title) Wisconsin works Shares; child care subsidy.

SECTION 1191. 49.155 (1) (ah) of the statutes is created to read:

49.155 (1) (ah) "County department or agency" means a county department under s. 46.215, 46.22, or 46.23, the unit, as defined in s. 49.825 (1) (e), or a Wisconsin Works agency, child care resource and referral agency, or other agency.

SECTION 1192. 49.155 (1) (c) of the statutes is amended to read:

49.155 (1) (c) Notwithstanding s. 49.141 (1) (j), "parent" means a custodial parent, guardian, foster parent, ~~treatment foster parent,~~ legal custodian, or a person acting in the place of a parent.

SECTION 1193. 49.155 (1g) (intro.) and (a) (intro.) of the statutes are consolidated, renumbered 49.155 (1g) (intro.) and amended to read:

49.155 (1g) ~~DISTRIBUTION OF FUNDS~~ CHILD CARE ALLOCATIONS. (intro.) Within the limits of the availability of the federal child care and development block grant funds received under 42 USC 9858, the department shall ~~do all of the following: (a) (intro.) Subject to sub. (1j), spend no more than the minimum amount required under 42 USC 9858 on programs to improve the quality and availability of child care. From the appropriations under s. 20.437 (2) (cm), (kx), (mc), and (md), the department shall allocate and distribute~~ allocate funding in each fiscal year for all of the following:

SECTION 1194. 49.155 (1g) (a) 1. of the statutes is renumbered 49.155 (1g) (ac).

SECTION 1195b. 49.155 (1g) (a) 2. of the statutes is renumbered 49.155 (1g) (bc) and amended to read:

49.155 (1g) (bc) Grants under s. 49.134 (2) for child day care resource and referral services, in the amount of at least ~~\$1,225,000~~ \$1,298,600 per fiscal year.

SECTION 1196. 49.155 (1g) (a) 3. of the statutes is renumbered 49.155 (1g) (c) and amended to read:

49.155 (1g) (c) ~~A transfer to the appropriation account under s. 20.437 (1) (kx) for child~~ Child care licensing activities, in the amount of at least ~~\$4,800,600~~ \$5,763,900 per fiscal year.

SECTION 1197. 49.155 (1g) (a) 4. of the statutes is renumbered 49.155 (1g) (d).

SECTION 1198. 49.155 (1g) (a) 5. of the statutes is renumbered 49.155 (1g) (e).

SECTION 1199. 49.155 (1g) (a) 6. of the statutes is renumbered 49.155 (1g) (f).

SECTION 1200. 49.155 (1g) (b) of the statutes is repealed.

SECTION 1200c. 49.155 (1h) of the statutes is created to read:

49.155 (1h) **PROHIBITION ON TRANSFER OF FUNDS.** For purposes of the maximum spending amount under sub. (1g) (ac), the department shall not transfer any federal Temporary Assistance for Needy Families block grant funds received by the department to federal Child Care and Development block grant funds received by the department.

SECTION 1201. 49.155 (1m) (intro.) of the statutes is amended to read:

49.155 (1m) **ELIGIBILITY.** (intro.) ~~A Wisconsin works agency shall determine eligibility for a~~ Except as provided in s. 49.155 (3g), the department shall contract with a county department or agency to determine the eligibility of individuals residing in a particular geographic region or who are members of a particular Indian tribal unit for child care ~~subsidy~~ subsidies under this section. Under this section, an individual may receive a subsidy for child care for a child who has not attained the age of 13 or, if the child is disabled, who has not attained the age of 19, if the individual meets all of the following conditions:

SECTION 1202. 49.155 (1m) (a) (intro.) of the statutes is amended to read:

49.155 (1m) (a) (intro.) The individual is a parent of a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the age of 19; or is a ~~person~~ relative who, under s. 48.57 (3m) or (3n) ~~or 48.62~~, is providing care and maintenance for a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the age of 19; and child care services for that child are needed in order for the individual to do any of the following:

SECTION 1205. 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years and the individual resides

with his or her custodial parent or with a kinship care relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57 (3n) or is in a foster home ~~or treatment foster home~~ licensed under s. 48.62, a subsidized guardianship home under s. 48.62 (5), a group home, or an independent living arrangement supervised by an adult.

SECTION 1206. 49.155 (1m) (bm) of the statutes is amended to read:

49.155 (1m) (bm) If the individual is providing care for a child under a court order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or 48.62 (5), or if the individual is a foster parent ~~or treatment foster parent~~, and child care is needed for that child, the child meets the requirement under s. 49.145 (2) (c).

SECTION 1207. 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

49.155 (1m) (c) 1. (intro.) Except as provided in subs. 1g., 1h., 1m., 2., and 3., the gross income of the individual's family is at or below 185% of the poverty line for a family the size of the individual's family or, for an individual who is already receiving a child care subsidy under this section, the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. In calculating the gross income of the family, the ~~Wisconsin works agency department or county department or agency determining eligibility~~ shall include court-ordered child or family support payments received by the individual, if those support payments exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3., except that, in calculating farm and self-employment income, the ~~Wisconsin works agency department or county department or agency determining eligibility~~ shall include the sum of the following:

SECTION 1209. 49.155 (1m) (c) 1g. of the statutes is amended to read:

49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or adoptive family has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the ~~Wisconsin works agency department or county department or agency determining eligibility~~ shall include court-ordered child or family support payments received by the individual, if those support payments exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

SECTION 1210. 49.155 (1m) (c) 1h. of the statutes is amended to read:

49.155 (1m) (c) 1h. If the individual is a relative of the child, is providing care for the child under a court order, and is receiving payments under s. 48.57 (3m) or (3n) on behalf of the child, the child's biological or adoptive family has a gross income that is at or below 200%

of the poverty line. In calculating the gross income of the child's biological or adoptive family, the Wisconsin works agency department or county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual, if those support payments exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

SECTION 1212. 49.155 (3) of the statutes is repealed and recreated to read:

49.155 (3) CHILD CARE LOCAL ADMINISTRATION. Except as provided in sub. (3g), the county department or agency with which the department contracts under sub. (1m) to determine eligibility in a particular geographic region or for a particular Indian tribal unit shall administer child care assistance in that geographic region or for that tribal unit. For the administration of child care assistance under this section, the department may require the county department or agency to do all of the following:

(a) Determine an individual's liability for copayments under sub. (5).

(b) Determine and authorize the amount of child care for which an individual may receive a subsidy.

(c) Annually perform a survey of market child care rates, as directed by the department, and determine maximum reimbursement rates, if the department so directs.

(d) Assist individuals who are eligible for child care subsidies under this section to identify available child care providers and select appropriate child care arrangements.

(e) At intervals, or as otherwise required by the department, review and redetermine the financial and nonfinancial eligibility of individuals receiving child care subsidies under this section.

SECTION 1212m. 49.155 (3g) of the statutes is created to read:

49.155 (3g) CHILD CARE ADMINISTRATION IN CERTAIN COUNTIES. In a county having a population of 500,000 or more all of the following apply:

(a) The department may contract with the Milwaukee County enrollment services unit, as provided in s. 49.825 (2) (b), to do any of the following:

1. Determine the eligibility of individuals for a child care subsidy under this section.

2. Determine an individual's liability for copayments under sub. (5).

3. Determine and authorize the amount of child care for which an individual may receive a subsidy.

4. At intervals, or as otherwise required by the department, review and redetermine the financial and nonfinancial eligibility of individuals receiving child care subsidies under this section.

(b) The department may establish a child care provider services unit, as provided in s. 49.826, to perform the provider services functions specified in s. 49.826 (2) (a).

SECTION 1213. 49.155 (3m) (b) of the statutes is repealed and recreated to read:

49.155 (3m) (b) 1. Subject to subds. 2. and 3., the department shall, to the extent practicable, allocate funds to a contract entered into under sub. (1m) for the administration of the program under sub. (3) in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all statewide subsidy authorizations and eligibility redeterminations under sub. (3) (e) in the 12-month period before the start of the contract period.

2. The department shall allocate to each contract at least \$20,000 per year for the administrative responsibilities for each geographic region or Indian tribal unit.

3. If the department renews a contract for a subsequent year, the department shall allocate to the contract not less than 95 percent of the amount allocated to the contract in the previous year, unless the geographic region or Indian tribal unit is not comparable or total funding available for all contracts is lower than the total amount available in the previous year.

4. Within any contract period, the department may redistribute unexpended contract balances for a county department or agency to another county department or agency that reports expenditures in excess of their original contract total for the period.

SECTION 1213f. 49.155 (3m) (e) of the statutes is created to read:

49.155 (3m) (e) 1. In this paragraph, "qualifying child" means a child who satisfies both of the following:

a. He or she is not a child of an employee of the child care provider.

b. He or she does not reside with an employee of the child care provider.

2. No funds distributed under par. (a) may be used for child care services that are provided for a child by a child care provider who employs either the parent of the child or a person who resides with the child, unless the child care provider is licensed under s. 48.65 and at all times at least 60 percent of the children for whom the child care provider is providing care are qualifying children.

3. Notwithstanding subd. 2., if a child care provider described in subd. 2. satisfies the requirements for payment under subd. 2. but the percentage of qualifying children for whom the provider is providing care falls below 60 percent, the provider shall have 6 weeks to raise the percentage of qualifying children for whom the provider is providing care to at least 60 percent before payments to the provider are discontinued for child care services provided for a child who is not a qualifying child.

SECTION 1214. 49.155 (6) (e) of the statutes is created to read:

49.155 (6) (e) The department may not increase the maximum reimbursement rates for child care providers in 2009, in 2010, or before June 30 in 2011.

SECTION 1214a. 49.155 (6g) of the statutes is created to read:

49.155 (6g) AUTHORIZED CHILD CARE HOURS. (a) 1. In this paragraph, "department" means the department or the county department or agency determining and authorizing the amount of child care for which an individual may receive a subsidy under this section.

2. Except as provided in subd. 3., the department shall authorize no more than 12 hours of child care per day per child.

3. The department may authorize more than 12 hours, not exceeding 16 hours, of child care per day for a child whose parent provides written documentation of work or transportation requirements that exceed 12 hours in a day.

4. If the authorized hours of child care per day for a child will be reduced from more than 12 to 12 or less because the child's parent does not provide the written documentation required under subd. 3., the department shall provide to the child's parent who is receiving the subsidy under this section and to the child's child care provider 4 weeks' notice of the reduction in authorized hours before actually reducing the child's authorized hours.

(am) If reimbursement to a child care provider is based on authorized hours of child care, the department shall do all of the following with respect to establishing and adjusting the number of authorized hours per child:

1. The department shall track a child's hourly usage of child care authorizations over a 6-week period.

2. If the child's hourly usage tracked under subd. 1. is less than 60 percent of the authorized hours of child care in each of the 3 consecutive 2-week periods, the department shall reduce the authorized hours of child care for the child to 90 percent of the maximum number of hours of child care that the child attended during that 6-week period.

3. The department shall provide written notice of the proposed adjustment under subd. 2. to the child's parent who is receiving the subsidy under this section, the child's child care provider, and the applicable county department or agency.

4. The department shall provide a grace period of 6 weeks after the number of authorized hours are reduced under subd. 2., during which time the child care subsidy amount paid to the child care provider for the child shall remain the same as before the reduction in authorized hours was made.

(b) The department shall exclude from a child's hourly usage calculation under par. (am) 2., all of the following:

1. One week per year of vacation time for the child's child care provider.

2. One week per year of sick time for the child's child care provider.

3. Two weeks per year of vacation time for the child's parent who is receiving the subsidy under this section with the child.

(c) The department shall promulgate rules that specify how the requirements under this subsection will be implemented.

SECTION 1214b. 49.155 (6m) of the statutes is created to read:

49.155 (6m) CHILD CARE PROVIDER RECORDKEEPING. With respect to attendance records, a child care provider shall do all of the following:

(a) Maintain a written record of the daily hours of attendance of each child for whom the provider is providing care under this section, including the actual arrival and departure times for each child.

(b) Retain the written daily attendance records under par. (a) for each child for at least 3 years after the child's last day of attendance, regardless of whether the child care provider is still receiving or eligible to receive payments under this section.

SECTION 1214d. 49.155 (7) (a) 1. of the statutes is renumbered 49.155 (7), and 49.155 (7) (a), as renumbered, is amended to read:

49.155 (7) (a) The person has been convicted of a felony or misdemeanor that the department or county department determines substantially relates to the care of children or to the operation of a business.

SECTION 1214f. 49.155 (7) (d) of the statutes is created to read:

49.155 (7) (d) The department or county department reasonably suspects that the person has intentionally and egregiously violated any provision under the program under this section or any rule promulgated under this section.

SECTION 1214k. 49.155 (7m) of the statutes is created to read:

49.155 (7m) PENALTIES. The department shall by rule establish policies and procedures permitting the department to do all of the following if a child care provider submits false, misleading, or irregular information to the department or if a child care provider fails to comply with the terms of the program under this section and fails to provide to the satisfaction of the department an explanation for the noncompliance:

(a) Recoup payments made to the child care provider.

(b) Withhold payments to be made to the child care provider.

(c) Impose a forfeiture on the child care provider.

SECTION 1216. 49.159 (4) of the statutes is amended to read:

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

SECTION 1216k. 49.162 of the statutes is created to read:

49.162 Transitional jobs demonstration project.

(1) In this section, "Wisconsin Works" has the meaning given in s. 49.141 (1) (p).

(2) Subject to sub. (3) (b), the department shall conduct a demonstration project, beginning on January 1, 2010, that offers transitional jobs to low-income adults. To be eligible to participate in the demonstration project, an individual must satisfy all of the following criteria:

(a) Be at least 21 but not more than 64 years of age.

(b) Be ineligible for Wisconsin Works.

(c) Have an annual household income that is below 150 percent of the poverty line.

(d) Be unemployed for at least 4 weeks.

(e) Be ineligible to receive unemployment insurance benefits.

(3) (a) The department shall provide up to 2,500 transitional jobs under the demonstration project. The jobs shall be allocated among Milwaukee County, Dane County, Racine County, Kenosha County, Rock County, Brown County, and other regions of the state, as determined by the department, in the same proportion as the total number of Wisconsin Works participants are allocated among those counties and other regions as of June 30, 2009.

(b) The department shall seek federal funds to pay for the cost of operating the demonstration project, and may conduct the project only to the extent that the department obtains federal funds.

(c) The department shall promulgate rules for the operation of the demonstration project under this section.

SECTION 1217. 49.17 of the statutes is renumbered 253.06, and 253.06 (2) and (5) (e), as renumbered, are amended to read:

253.06 (2) **USE OF FUNDS.** From the appropriation under s. ~~20.437 (2)~~ 20.435 (1) (em), the department shall supplement the provision of supplemental foods, nutrition education, and other services, including nutritional counseling, to low-income women, infants, and children who meet the eligibility criteria under the federal special supplemental food program for women, infants, and children authorized under 42 USC 1786. To the extent that funds are available under this section and to the extent that funds are available under 42 USC 1786, the department shall provide the supplemental food, nutrition education, and other services authorized under this section and shall administer that provision in every county. The department may enter into contracts for this purpose.

(5) (e) The suspension or termination of authorization of a vendor or eligibility of a participant shall be effective beginning on the 15th day after receipt of the notice of suspension or termination. All forfeitures, recoupments, and enforcement assessments shall be paid to the department within 15 days after receipt of notice of assessment or, if the forfeiture, recoupment, or enforce-

ment assessment is contested under sub. (6), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is adverse to the department or unless the final decision is appealed and the decision is stayed by court order under sub. (7). The department shall remit all forfeitures paid to the secretary of administration for deposit in the school fund. The department shall deposit all enforcement assessments in the appropriation under s. ~~20.437 (2)~~ 20.435 (1) (gr).

SECTION 1218. 49.171 of the statutes is renumbered 46.75, and 46.75 (2) (a), as renumbered, is amended to read:

46.75 (2) (a) From the appropriation under s. ~~20.437 (2)~~ 20.435 (1) (dn), the department shall award grants to agencies to operate food distribution programs that qualify for participation in the emergency food assistance program under ~~P.L. 98-8, as amended 7 USC ch. 102.~~

SECTION 1219. 49.1715 of the statutes is renumbered 46.77 and amended to read:

46.77 Food distribution administration. From the appropriation under s. ~~20.437 (2)~~ 20.435 (1) (dn), the department shall allocate funds to eligible recipient agencies, as defined in ~~the emergency food assistance act, P.L. 98-8, section 201A, as amended 7 USC 7501 (3), for the storage, transportation, and distribution of commodities provided under the hunger prevention act of 1988, P.L. 100-435, as amended 7 USC ch. 102.~~

SECTION 1220. 49.172 of the statutes is renumbered 49.76.

SECTION 1226. 49.175 (1) (intro.) of the statutes is amended to read:

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

SECTION 1227. 49.175 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

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

SECTION 1228. 49.175 (1) (a) of the statutes is amended to read:

49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits, \$44,068,500 ~~\$49,139,400~~ in fiscal year ~~2007-08~~ 2009-10 and \$43,392,200 ~~\$51,229,600~~ in fiscal year ~~2008-09~~ 2010-11.

SECTION 1228g. 49.175 (1) (b) of the statutes is amended to read:

49.175 (1) (b) *Wisconsin Works administration*. For administration of Wisconsin Works performed under contracts under s. 49.143, ~~\$10,701,100~~ \$8,247,000 in fiscal year ~~2007-08~~ 2009-10 and ~~\$10,701,100~~ \$8,247,000 in fiscal year ~~2008-09~~ 2010-11.

SECTION 1228i. 49.175 (1) (f) of the statutes is amended to read:

49.175 (1) (f) *Wisconsin Works ancillary services*. For program services under Wisconsin Works provided under contracts under s. 49.143, ~~\$38,471,500~~ \$38,471,500 in fiscal year ~~2007-08~~ 2009-10 and ~~\$38,471,500~~ \$35,471,500 in fiscal year ~~2008-09~~ 2010-11.

SECTION 1229. 49.175 (1) (g) of the statutes is amended to read:

49.175 (1) (g) *State administration of public assistance programs and costs of overpayment collections*. For state administration of public assistance programs, ~~\$16,670,100~~ and costs associated with the collection of public assistance overpayments, ~~\$16,985,900~~ in fiscal year ~~2007-08~~ 2009-10 and ~~\$16,868,500~~ \$17,091,700 in fiscal year ~~2008-09~~ 2010-11.

SECTION 1230. 49.175 (1) (h) of the statutes is created to read:

49.175 (1) (h) *Public assistance program fraud and error reduction*. For activities to reduce fraud under s. 49.197 (1m) and activities to reduce payment errors under s. 49.197 (3), ~~\$605,500~~ in each fiscal year.

SECTION 1232. 49.175 (1) (i) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

49.175 (1) (i) *Emergency assistance*. For emergency assistance under s. 49.138, ~~\$6,000,000~~ \$6,500,000 in fiscal year ~~2007-08~~ 2009-10 and ~~\$7,000,000~~ \$6,000,000 in fiscal year ~~2008-09~~ 2010-11.

SECTION 1233. 49.175 (1) (j) of the statutes is created to read:

49.175 (1) (j) *Aid to families with dependent children overpayments liability*. For payment of liability to the federal government related to overpayments made under the program under s. 49.19, ~~\$2,500,500~~ in fiscal year ~~2008-09~~.

SECTION 1234. 49.175 (1) (j) of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 1235. 49.175 (1) (k) of the statutes is created to read:

49.175 (1) (k) *Aid to Families with Dependent Children overpayments liability*. For payment of liability to the federal government related to overpayments made under the program under s. 49.19, ~~\$13,183,900~~ in fiscal year ~~2009-10~~ and ~~\$0~~ in fiscal year ~~2010-11~~.

SECTION 1236. 49.175 (1) (k) of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 1238. 49.175 (1) (p) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

49.175 (1) (p) *Direct child care services*. For direct child care services under s. 49.155, ~~\$359,201,800~~

~~\$384,987,600~~ in fiscal year ~~2007-08~~ 2009-10 and ~~\$375,736,400~~ \$402,496,800 in fiscal year ~~2008-09~~ 2010-11.

SECTION 1239. 49.175 (1) (q) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

49.175 (1) (q) *Child care state administration and child care licensing activities*. For administration of child care services under s. 49.155 (1g) (b), ~~\$1,765,600~~ in fiscal year ~~2007-08~~ and ~~\$2,437,800~~ in programs under s. 49.155 and the allocation under s. 49.155 (1g) (c) for child care licensing activities, ~~\$8,534,700~~ in fiscal year ~~2009-10~~ and ~~\$8,889,700~~ in fiscal year ~~2008-09~~ 2010-11.

SECTION 1240. 49.175 (1) (qm) of the statutes is amended to read:

49.175 (1) (qm) *Quality care for quality kids*. For the child care quality improvement activities specified in s. 49.155 (1g) (a), ~~\$5,311,000~~ in each fiscal year, ~~\$5,384,600~~ in fiscal year ~~2009-10~~ and ~~\$5,384,600~~ in fiscal year ~~2010-11~~.

SECTION 1241. 49.175 (1) (qs) of the statutes is repealed.

SECTION 1242b. 49.175 (1) (s) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

49.175 (1) (s) *Kinship care and long-term kinship care, and foster care assistance*. For the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and (3p) and for foster care for relatives under s. ~~48.62~~, ~~\$24,435,000~~ in fiscal year ~~2009-10~~ and ~~\$24,435,000~~ in fiscal year ~~2010-11~~.

SECTION 1243. 49.175 (1) (ze) (title) of the statutes is repealed.

SECTION 1244. 49.175 (1) (ze) 1. of the statutes is amended to read:

49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and (3p), ~~\$23,579,800~~ in each fiscal year ~~2007-08~~ and ~~\$23,885,800~~ in fiscal year ~~2008-09~~.

SECTION 1245. 49.175 (1) (ze) 1. of the statutes, as affected by 2009 Wisconsin Act (this act), is renumbered 49.175 (1) (s) and amended to read:

49.175 (1) (s) *Kinship care and long-term kinship care assistance*. For the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and (3p), ~~\$23,579,800~~ \$24,435,000 in fiscal year ~~2007-08~~ 2009-10 and ~~\$23,885,800~~ \$24,435,000 in fiscal year ~~2008-09~~ 2010-11.

SECTION 1246. 49.175 (1) (ze) 2. of the statutes is renumbered 49.175 (1) (r) and amended to read:

49.175 (1) (r) *Children of recipients of supplemental security income*. For payments made under s. 49.775 for the support of the dependent children of recipients of supplemental security income, ~~\$30,094,700~~ in fiscal year ~~2007-08~~ and ~~\$30,094,700~~ \$29,899,800 in fiscal year

~~2008-09~~ ~~2009-10~~ and \$29,933,200 in each fiscal year thereafter.

SECTION 1247. 49.175 (1) (ze) 10m. of the statutes is renumbered 49.175 (1) (t) and amended to read:

49.175 (1) (t) *Safety and out-of-home placement services.* For services provided in counties having a population of 500,000 or more to ensure the safety of children who the department determines may remain at home if appropriate services are provided, and for ongoing services provided in those counties to families with children placed in out-of-home care, ~~\$5,631,300~~ \$6,350,300 in each fiscal year.

SECTION 1248. 49.175 (1) (ze) 11. of the statutes is renumbered 49.175 (1) (u).

SECTION 1249. 49.175 (1) (ze) 12. of the statutes is repealed.

SECTION 1250. 49.175 (1) (zh) of the statutes is amended to read:

49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$21,125,400~~ \$6,664,200 in fiscal year ~~2007-08~~ ~~2009-10~~ and \$6,664,200 in fiscal year ~~2008-09~~ 2010-2011.

SECTION 1251. 49.19 (1) (a) 2. b. of the statutes is amended to read:

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

SECTION 1252. 49.19 (4e) (a) of the statutes is amended to read:

49.19 (4e) (a) If a person applying for aid is under 18 years of age, has never married, and is pregnant or has a dependent child in his or her care, the person is not eligible for aid unless he or she lives in a place maintained by his or her parent, legal guardian, or other adult relative as the parent's, guardian's or other adult relative's own home or lives in a foster home, ~~treatment foster home~~, maternity home, or other supportive living arrangement supervised by an adult.

SECTION 1253. 49.19 (10) (a) of the statutes is amended to read:

49.19 (10) (a) Aid under this section may also be granted to a nonrelative who cares for a child dependent

upon the public for proper support in a foster home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, or in a group home licensed under s. 48.625, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1) (d) for aid granted under this subsection except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215 or 46.22 shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 1254. 49.19 (10) (c) of the statutes is amended to read:

49.19 (10) (c) Reimbursement under par. (a) may also be paid to the county when the child is placed in a licensed foster home, ~~treatment foster home~~, group home, or residential care center for children and youth by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or if the child was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made ~~pursuant to~~ under an agreement with the county department.

SECTION 1255. 49.19 (10) (d) of the statutes is amended to read:

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

SECTION 1256. 49.19 (10) (e) of the statutes is amended to read:

49.19 (10) (e) Notwithstanding pars. (a), (c), and (d), aid under this section may not be granted for placement of a child in a foster home ~~or treatment foster home~~ licensed by a federally recognized American Indian

tribal governing body, for placement of a child in a foster home, ~~treatment foster home~~, or residential care center for children and youth by a tribal governing body or its designee, for the placement of a child who is a ward of a tribal court if the tribal governing body is receiving or is eligible to receive funds from the federal government for that type of placement, or for placement of a child in a group home licensed under s. 48.625.

SECTION 1256g. 49.195 (3r) of the statutes is amended to read:

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

SECTION 1256m. 49.195 (4) of the statutes is renumbered 49.195 (4) (a) and amended to read:

49.195 (4) (a) ~~Any~~ Except as provided in par. (b), any county or governing body of a federally recognized American Indian tribe may retain 15% of benefits distributed under s. 49.19 that are recovered due to the efforts of an employee or officer of the county or tribe.

(b) This subsection does not apply to ~~recovery~~ any of the following:

1. The recovery of benefits that were provided as a result of state, county, or tribal governing body error.

SECTION 1256p. 49.195 (4) (b) 2. of the statutes is created to read:

49.195 (4) (b) 2. The recovery of benefits due to the efforts of an employee or officer of a county having a population of 500,000 or more under the supervision of the department.

SECTION 1257. 49.197 (1m) of the statutes is amended to read:

49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2) (dz), (kx), (L), ~~(mc)~~, (md), ~~(n)~~ (me), and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of aid to families with dependent children under s. 49.19, on the part of participants in the Wisconsin Works program under ss. 49.141 to 49.161, and, if the department of health services contracts with the department under sub. (5), on the part of recipients of medical assistance under subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, and health care benefits under the Badger Care health care program under s. 49.665. The department's activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss.

46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The department shall cooperate with district attorneys regarding fraud prosecutions.

SECTION 1258. 49.197 (2) (title) of the statutes is amended to read:

49.197 (2) (title) ~~FRAUD~~ LOCAL FRAUD INVESTIGATION BY COUNTIES AND TRIBAL GOVERNING BODIES.

SECTION 1259. 49.197 (2) (a) of the statutes is renumbered 49.197 (2) (a) (intro.) and amended to read:

49.197 (2) (a) (intro.) In this subsection, ~~“tribal;~~
2. “Tribal governing body” means an elected governing body of a federally recognized American Indian tribe.

SECTION 1260. 49.197 (2) (a) 1. of the statutes is created to read:

49.197 (2) (a) 1. “County department” means a county department under s. 46.215, 46.22, or 46.23.

SECTION 1261. 49.197 (2) (b) of the statutes is amended to read:

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

SECTION 1262. 49.197 (2) (c) (intro.) of the statutes is renumbered 49.197 (2) (c) and amended to read:

49.197 (2) (c) ~~If a~~ A county department, Wisconsin Works agency, or tribal governing body that establishes a program under par. (b), the county or tribal governing body shall pay to the department all of the following: shall advise both the department and the department of health services of the date on which the program was established and, on an ongoing basis, of any amounts recovered as a result of the program. A county department, Wisconsin Works agency, or tribal governing body may retain any amounts recovered under a program under this subsection and must use the moneys retained to pay cash benefits to Wisconsin Works participants.

SECTION 1262m. 49.197 (2) (c) of the statutes, as affected by 2009 Wisconsin Act ... (this act), is amended to read:

49.197 (2) (c) A county department, Wisconsin Works agency, or tribal governing body that establishes a program under par. (b) shall advise both the department and the department of health services of the date on which the program was established and, on an ongoing basis, of any amounts recovered as a result of the program. ~~A~~ Except as provided in par. (cm), a county department, Wisconsin Works agency, or tribal governing body may retain any amounts recovered under a program under this

subsection and must use the moneys retained to pay cash benefits to Wisconsin Works participants.

SECTION 1263. 49.197 (2) (c) 1. of the statutes is repealed.

SECTION 1264. 49.197 (2) (c) 2. of the statutes is repealed.

SECTION 1265. 49.197 (2) (c) 3. of the statutes is repealed.

SECTION 1265m. 49.197 (2) (cm) of the statutes is created to read:

49.197 (2) (cm) Any amounts recovered with respect to the child care subsidy program under s. 49.155 by a county department in a county having a population of 500,000 or more as a result of a program under par. (b) or due to the efforts of an employee of such a county who is supervised by the department or the department of health services under s. 49.825 shall be credited to the appropriation account under s. 20.437 (2) (me).

SECTION 1266. 49.197 (2) (d) of the statutes is repealed.

SECTION 1268b. 49.24 (1) (intro.) of the statutes is created to read:

49.24 (1) (intro.) The department shall provide child support incentive payments to counties from one of the following appropriations:

SECTION 1268c. 49.24 (1) of the statutes, as affected by 2007 Wisconsin Act 20, section 1474d, is renumbered 49.24 (1) (b) and amended to read:

49.24 (1) (b) ~~From If federal legislation provides for the matching of federal funds for federal child support incentive payments at a rate of 66 percent or more, from the appropriation under s. 20.437 (2) (k), the department shall provide child support incentive payments to counties while the federal legislation is in effect.~~ Total payments under this subsection paragraph may not exceed \$5,690,000 per year.

SECTION 1268e. 49.24 (1) (a) of the statutes is created to read:

49.24 (1) (a) Unless par. (b) applies, from the appropriation under s. 20.437 (2) (bc).

SECTION 1268f. 49.24 (2) (b) 1. of the statutes is repealed.

SECTION 1268g. 49.24 (2) (b) 2. of the statutes is amended to read:

49.24 (2) (b) 2. Of the amount of federal child support incentive payments awarded to the state for each federal fiscal year ~~after federal fiscal year 2002~~, the amount awarded if that amount is less than \$12,340,000, or \$12,340,000 plus 30% of the amount awarded that exceeds \$12,340,000.

SECTION 1268h. 49.24 (2) (b) 3. of the statutes is amended to read:

49.24 (2) (b) 3. All federal matching funds associated with the amounts distributed under ~~subs. 1. and subd. 2.~~

SECTION 1268i. 49.24 (2) (c) of the statutes is amended to read:

49.24 (2) (c) The department ~~may retain 50% of the amount of federal child support incentive payments awarded to the state for federal fiscal year 2002 that exceeds \$12,340,000, and~~ may retain 70% of the amount of federal child support incentive payments awarded to the state for each federal fiscal year ~~after federal fiscal year 2002~~ that exceeds \$12,340,000, to be used to pay the costs of the department's activities under ss. 49.22 and 49.227 and costs related to receiving and disbursing support and support-related payments.

SECTION 1268j. 49.24 (2) (dm) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

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

SECTION 1268k. 49.24 (4) of the statutes, as created by 2007 Wisconsin Act 20, is repealed.

SECTION 1268p. 49.25 of the statutes is created to read:

49.25 Incentive payments for identifying children with health insurance. From the appropriation under s. 20.437 (2) (e), the department may provide incentive payments to county child support agencies under s. 59.53 (5) for identifying children who are receiving medical assistance benefits and who have health insurance coverage or access to health insurance coverage. The department of children and families may disclose to the department of health services information that it possesses or obtains that would assist in identifying children with medical assistance coverage who have health insurance coverage or access to health insurance coverage.

SECTION 1271. 49.32 (9) (a) of the statutes is amended to read:

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

SECTION 1273. 49.34 (1) of the statutes is amended to read:

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

SECTION 1274. 49.343 (title) of the statutes is amended to read:

49.343 (title) Rates for residential care centers and, group homes, and child welfare agencies.

SECTION 1275. 49.343 (1) of the statutes is renumbered 49.343 (1g) and amended to read:

49.343 (1g) ESTABLISHMENT OF RATES. Subject to sub. (1m), each residential care center for children and youth, as defined in s. 48.02 (15d), and each group home, as defined in s. 48.02 (7), that is incorporated under ch. 180, 181, 185, or 193 shall establish a per client rate for its services and each child welfare agency shall establish a per client administrative rate for the administrative portion of its treatment foster care services. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same treatment foster care services.

SECTION 1276. 49.343 (1d) of the statutes is created to read:

49.343 (1d) **DEFINITIONS.** In this section:

(a) "Administrative rate" means the difference between the rate charged by a child welfare agency to a purchaser of treatment foster care services and the rate paid by the child welfare agency to a treatment foster parent for the care and maintenance of a child.

(b) "Child welfare agency" means a child welfare agency that is authorized under s. 48.61 (7) to license treatment foster homes.

(c) "Group home" has the meaning given in s. 48.02 (7).

(d) "Residential care center for children and youth" has the meaning given in s. 48.02 (15d).

SECTION 1276g. 49.343 (1d) (a) of the statutes, as created by 2009 Wisconsin Act (this act), is amended to read:

49.343 (1d) (a) "Administrative rate" means the difference between the rate charged by a child welfare agency to a purchaser of ~~treatment~~ foster care services and the rate paid by the child welfare agency to a ~~treat-~~

~~ment~~ foster parent for the care and maintenance of a child.

SECTION 1276j. 49.343 (1d) (b) of the statutes, as created by 2009 Wisconsin Act (this act), is amended to read:

49.343 (1d) (b) "Child welfare agency" means a child welfare agency that is authorized under s. 48.61 (7) to license ~~treatment~~ foster homes.

SECTION 1276m. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act (this act), section 1275, is amended to read:

49.343 (1g) **ESTABLISHMENT OF RATES.** Subject to sub. (1m), each residential care center for children and youth and each group home shall establish a per client rate for its services and each child welfare agency shall establish a per client administrative rate for the administrative portion of its ~~treatment~~ foster care services. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same ~~treatment~~ foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 1277. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act (this act), sections 1275 and 1276m, is repealed and recreated to read:

49.343 (1g) **ESTABLISHMENT OF RATES.** For services provided beginning on January 1, 2011, the department shall establish the per client rate that a residential care center for children and youth or a group home may charge for its services, and the per client administrative rate that a child welfare agency may charge for the administrative portion of its foster care services, as provided in this section. In establishing rates for a placement specified in s. 938.357 (4) (c) 1. or 2., the department shall consult with the department of corrections. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 1278. 49.343 (1m) of the statutes is amended to read:

49.343 (1m) **NEGOTIATION OF RATES.** Notwithstanding sub. (1) (1g), the department, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the department and one or more of those county departments, and a residential care center for children and youth or group home, ~~as described in sub. (1),~~ may negotiate a per client rate for the services of that residential care center for children and youth or group home, and the department, a county

department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the department and one or more of those county departments, and a child welfare agency may negotiate a per client administrative rate for the administrative portion of the treatment foster care services of that child welfare agency, if the department, that county department, the county departments in that group of county departments, or the department and one or more of those county departments, agree to place 75% or more of the residents of that residential care center for children and youth or group home or of the treatment foster homes operated by that child welfare agency during the period for which that rate is effective. A residential care center for children and youth or group home that negotiates a per client rate under this subsection shall charge that rate to all purchasers of its services the same rate for the same services and a child welfare agency that negotiates a per client administrative rate under this subsection shall charge all purchasers of its treatment foster care services the same administrative rate for the same treatment foster care services.

SECTION 1278g. 49.343 (1m) of the statutes, as affected by 2009 Wisconsin Act (this act), section 1278, is amended to read:

49.343 (1m) NEGOTIATION OF RATES. Notwithstanding sub. (1g), the department, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the department and one or more of those county departments, and a residential care center for children and youth or group home may negotiate a per client rate for the services of that residential care center for children and youth or group home, and the department, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the department and one or more of those county departments, and a child welfare agency may negotiate a per client administrative rate for the administrative portion of the ~~treatment~~ foster care services of that child welfare agency, if the department, that county department, the county departments in that group of county departments, or the department and one or more of those county departments, agree to place 75% or more of the residents of that residential care center for children and youth or group home or of the ~~treatment~~ foster homes operated by that child welfare agency during the period for which that rate is effective. A residential care center for children and youth or group home that negotiates a per client rate under this subsection shall charge all purchasers of its services the same rate for the same services and a child welfare agency that negotiates a per client administrative rate under this subsection shall charge all purchasers of its ~~treatment~~ foster care services the same administrative rate for the same ~~treatment~~ foster care services.

SECTION 1279. 49.343 (1m) of the statutes, as affected by 2009 Wisconsin Act (this act), sections 1278 and 1278g, is repealed.

SECTION 1280. 49.343 (2) (title) of the statutes is created to read:

49.343 (2) (title) DETERMINATION OF RATES.

SECTION 1281. 49.343 (2) of the statutes is renumbered 49.343 (2) (a) and amended to read:

49.343 (2) (a) ~~-A-~~ By October 1, 2010, and annually after that, a residential care center for children and youth or a group home, as described in sub. (1) or (1m), shall submit to the department the rate it charges and any change in that rate before a charge is made to any purchaser per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for foster care services provided in the next year. The department shall provide forms and instructions for the submission of ~~rates and changes in proposed~~ rates under this subsection ~~paragraph~~ and a residential care center for children and youth ~~or a group home, or child welfare agency~~ that is required to submit a ~~rate or a change in a proposed~~ rate under this subsection ~~paragraph~~ shall submit that ~~rate or change in a proposed~~ rate using those forms and instructions.

SECTION 1282. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

49.343 (2) (a) By October 1 annually, a residential care center for children and youth or a group home shall submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

SECTION 1283. 49.343 (2) (b) of the statutes is created to read:

49.343 (2) (b) The department shall review a proposed rate submitted under par. (a) and audit the residential care center for children and youth, group home, or child welfare agency submitting the proposed rate to determine whether the proposed rate is appropriate to the level of services to be provided, the qualifications of the residential care center for children and youth, group home, or child welfare agency to provide those services, and the reasonable and necessary costs of providing those

services. In reviewing a proposed rate, the department shall consider all of the following factors:

1. Changes in the consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on June 30 of the year in which the proposed rate is submitted.

2. Changes in the allowable costs of the residential care center for children and youth, group home, or child welfare agency based on current actual cost data or documented projections of costs.

3. Changes in program utilization that affect the per client rate or per client administrative rate.

4. Changes in the department's expectations relating to service delivery.

5. Changes in service delivery proposed by the residential care center for children and youth, group home, or child welfare agency and agreed to by the department.

6. The loss of any source of revenue that had been used to pay expenses, resulting in a lower per client rate or per client administrative rate for services.

7. Changes in any state or federal laws, rules, or regulations that result in any change in the cost of providing services, including any changes in the minimum wage, as defined in s. 49.141 (1) (g).

8. Competitive factors.

9. The availability of funding to pay for the services to be provided under the proposed rate.

10. Any other factor relevant to the setting of a rate that the department may determine by rule promulgated under sub. (4).

SECTION 1284. 49.343 (2) (c) of the statutes is created to read:

49.343 (2) (c) If the department determines under par. (b) that a proposed rate submitted under par. (a) is appropriate, the department shall approve the proposed rate. If the department does not approve a proposed rate, the department shall negotiate with the residential care center for children and youth, group home, or child welfare agency to determine an agreed to rate. If after negotiations a rate is not agreed to, the department and residential care center for children and youth, group home, or child welfare agency shall engage in mediation under the rate resolution procedure promulgated by rule under sub. (4) to arrive at an agreed to rate. If after mediation a rate is not agreed to, the residential care center for children and youth, group home, or child welfare agency may not provide the service for which the rate was proposed.

SECTION 1285. 49.343 (3) of the statutes is amended to read:

49.343 (3) AUDIT. The department may require an audit of any residential care center for children and youth or, group home, as described in sub. (1) or (1m), or child welfare agency for the purpose of collecting federal funds.

SECTION 1286. 49.343 (4) of the statutes is created to read:

49.343 (4) **RULES.** The department shall promulgate rules to implement this section. Those rules shall include rules providing for all of the following:

(a) Standards for determining whether a proposed rate is appropriate to the level of services to be provided, the qualifications of a residential care center for children and youth, group home, or child welfare agency to provide those services, and the reasonable and necessary costs of providing those services.

(b) Factors for the department to consider in reviewing a proposed rate.

(c) Procedures for reviewing proposed rates, including rate resolution procedures for mediating an agreed to rate when negotiations fail to produce an agreed to rate.

SECTION 1287. 49.345 (14) (a) of the statutes is amended to read:

49.345 (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes, foster homes, ~~treatment foster homes~~, subsidized guardianship homes, and residential care centers for children and youth is determined in accordance with the cost-based fee established under s. 49.32 (1). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party benefits, subject to rules that include formulas governing ability to pay established by the department under s. 49.32 (1). Any liability of the person not payable by any other person terminates when the person reaches age 18, unless the liable person has prevented payment by any act or omission.

SECTION 1288. 49.345 (14) (b) of the statutes is amended to read:

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

SECTION 1289. 49.45 (3) (e) 7. of the statutes is amended to read:

49.45 (3) (e) 7. The daily reimbursement or payment rate to a hospital for services provided to medical assistance recipients awaiting admission to a skilled nursing home, intermediate care facility, community-based residential facility, group home, foster home, ~~treatment foster home~~ or other custodial living arrangement may not exceed the maximum reimbursement or payment rate based on the average adjusted state skilled nursing facil-

ity rate, created under sub. (6m). This limited reimbursement or payment rate to a hospital commences on the date the department, through its own data or information provided by hospitals, determines that continued hospitalization is no longer medically necessary or appropriate during a period ~~where~~ when the recipient awaits placement in an alternate custodial living arrangement. The department may contract with a peer review organization, established under 42 USC 1320c to 1320c-10, to determine that continued hospitalization of a recipient is no longer necessary and that admission to an alternate custodial living arrangement is more appropriate for the continued care of the recipient. In addition, the department may contract with a peer review organization to determine the medical necessity or appropriateness of physician services or other services provided during the period when a hospital patient awaits placement in an alternate custodial living arrangement.

SECTION 1289m. 49.45 (3) (e) 10r. of the statutes is created to read:

49.45 (3) (e) 10r. All facilities listed in a certificate of approval issued to a free-standing pediatric teaching hospital under s. 50.35 are a hospital for purposes of reimbursement under this section. Notwithstanding this subdivision, the department shall use physician clinic reimbursement rates to reimburse the facilities under this section for types of services for which, before July 1, 2009, the department reimbursed the facilities using physician clinic reimbursement rates, as determined by the department.

SECTION 1290. 49.45 (6b) of the statutes is amended to read:

49.45 (6b) CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of services provided by the centers for the developmentally disabled. ~~Reimbursement to the centers for the developmentally disabled shall be reduced following each placement made under s. 46.275 that involves a relocation from a center for the developmentally disabled, by \$225 per day, beginning in fiscal year 2002-03, and by \$325 per day, beginning in fiscal year 2004. Beginning in fiscal year 2009-10, following each placement made under s. 46.275 that involves a relocation from a center for the developmentally disabled, the department shall reduce the reimbursement to the center by an amount, as determined by the department for each placement, that is equal to the nonfederal share of the costs for the placement under s. 46.275.~~

SECTION 1291. 49.45 (6m) (br) 1. of the statutes is amended to read:

49.45 (6m) (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 (4) ~~(bt)~~ or (7) (b) or 20.437 (2) (dz), the department shall reduce allocations of funds to counties in the amount of the disallowance from the appropriation account under s. 20.435 (4) ~~(bt)~~ or (7) (b), or the depart-

ment shall direct the department of children and families to reduce allocations of funds to counties or Wisconsin Works agencies in the amount of the disallowance from the appropriation account under s. 20.437 (2) (dz) or direct the department of corrections to reduce allocations of funds to counties in the amount of the disallowance from the appropriation account under s. 20.410 (3) (cd), in accordance with s. 16.544 to the extent applicable.

SECTION 1292. 49.45 (6m) (e) of the statutes is repealed.

SECTION 1292n. 49.45 (6u) (am) (intro.) of the statutes is amended to read:

49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), from the appropriations under s. 20.435 (4) (o), and (w), for reduction of operating deficits, as defined under the methodology used by the department in December 2000, incurred by a facility that is established under s. 49.70 (1) or that is owned and operated by a city, village, or town, and as payment to care management organizations, the department ~~may not shall~~ distribute to these facilities and to care management organizations ~~more than \$37,100,000 a total of \$39,100,000~~ in each fiscal year, ~~as determined by the department.~~ The total amount that a county certifies under this subsection may not exceed 100% of otherwise-unreimbursed care. In distributing funds under this subsection, the department shall perform all of the following:

SECTION 1293. 49.45 (6u) (b) of the statutes is amended to read:

49.45 (6u) (b) Notwithstanding the limitation on the amount of disbursements under par. (am) (intro.), from the appropriation under s. 20.435 (4) (wm), the department shall, using the criteria specified in par. (am) 1. to 7., disburse any federal medical assistance funds that are received by the state as ~~matching funds to~~ federal financial participation for operating deficits incurred by a facility that is operated by a county, city, village, or town and that are in excess of the amount of ~~match~~ federal financial participation anticipated and budgeted as revenue in the biennial budget act for the fiscal year in which the funds are received.

SECTION 1294d. 49.45 (6y) (am) of the statutes, as affected by 2009 Wisconsin Act 2, is repealed.

SECTION 1294m. 49.45 (6y) (b) of the statutes is amended to read:

49.45 (6y) (b) The department need not promulgate as rules under ch. 227 the procedures, methods of distribution, and criteria required for distribution under ~~pars. (a) and (am) par. (a).~~

SECTION 1296. 49.45 (8r) of the statutes is amended to read:

49.45 (8r) PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. The rate of payment for obstetric and gynecological care provided in primary care shortage areas, as defined in s. ~~560.183 36.60~~ (1) (cm), or provided to recipients of medical assistance who reside in

primary care shortage areas, that is equal to 125% of the rates paid under this section to primary care physicians in primary care shortage areas, shall be paid to all certified primary care providers who provide obstetric or gynecological care to those recipients.

SECTION 1297. 49.45 (18) (am) of the statutes is renumbered 49.45 (18) (am) 1. and amended to read:

49.45 (18) (am) 1. ~~No Except as provided in subd. 2., no person is liable under this subsection for services provided through prepayment contracts. This paragraph does not apply to a person who is eligible for the benefits under s. 49.46 (2) (a) and (b) under s. 49.471.~~

SECTION 1298. 49.45 (18) (am) 2. of the statutes is created to read:

49.45 (18) (am) 2. A person who is eligible for the benefits under s. 49.46 (2) (a) and (b) under s. 49.471 is liable under this subsection for services provided through a prepayment contract in the amounts and according to the procedures specified by the department.

SECTION 1299. 49.45 (18) (b) 2. of the statutes is amended to read:

49.45 (18) (b) 2. Any service provided to a person who is less than 18 years old. This subdivision does not apply if the person's family income exceeds 100 percent of the poverty line and he or she is eligible for the benefits under s. 49.46 (2) (a) and (b) under s. 49.471.

SECTION 1301. 49.45 (23) (b) of the statutes is amended to read:

49.45 (23) (b) If the waiver is granted and in effect, the department may promulgate rules defining the health care benefit plan, including more specific eligibility requirements and cost-sharing requirements. Cost sharing may include an annual enrollment fee, which may not exceed \$75 per year. Notwithstanding s. 227.24 (3), the plan details under this subsection may be promulgated as an emergency rule under s. 227.24 without a finding of emergency. If the waiver is granted and in effect, the demonstration project under this subsection shall begin on January 1, 2009, or on the effective date of the waiver, whichever is later.

SECTION 1301c. 49.45 (24d) of the statutes is created to read:

49.45 (24d) PRIMARY CARE PROVIDER; MANAGED CARE ORGANIZATIONS. (a) In this subsection, "managed care organization" includes a health maintenance organization, a limited service health organization, and a preferred provider plan.

(b) In a contract with a managed care organization to provide medical assistance, the department shall require the managed care organization to assign to each enrollee who receives medical assistance a primary care provider.

(c) The managed care organization under contract under par. (b) shall pay to the primary care provider a monthly fee per each patient who is a recipient of medical assistance for care coordination.

SECTION 1301e. 49.45 (24g) of the statutes is created to read:

49.45 (24g) PHYSICIAN PRACTICE PAYMENT PILOT. (a) The department shall develop a proposal to increase medical assistance reimbursement to providers to which at least one of the following applies:

1. The provider is recognized by the National Committee on Quality Assurance as a Patient-Centered Medical Home.

2. The secretary determines that the provider performs well with respect to all of the following aspects of care:

a. Adoption of written standards for patient access and patient communication.

b. Use of data to show that standards for patient access and patient communication are satisfied.

c. Use of paper or electronic charting tools to organize clinical information.

d. Use of data to identify diagnoses and conditions among the provider's patients that have a lasting detrimental effect on health.

e. Adoption and implementation of guidelines that are based on evidence for treatment and management of at least 3 chronic conditions.

f. Active support of patient self-management.

g. Systematic tracking of patient test results and systematic identification of abnormal patient test results.

h. Systematic tracking of referrals using a paper or electronic system.

i. Measuring the quality of the performance of the physician practice and of individual physicians within the practice, including with respect to provision of clinical services, patient outcomes, and patient safety.

j. Reporting to members of the physician practice and to other persons on the quality of the performance of the physician practice and of individual physicians.

(c) The department's proposal under par. (a) shall specify increases in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or 2., and shall provide for payment of a monthly per-patient care coordination fee to those providers. The department shall set the increases in reimbursement rates and the monthly per-patient care coordination fee so that together they provide sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The proposal shall specify effective dates for the increases in reimbursement rates and the monthly per-patient care coordination fee that are no sooner than July 1, 2011.

(d) By the date that is 60 days after the effective date of this paragraph [LRB inserts date], the department shall submit the proposal under par. (a) to the joint committee on finance. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's submittal that the committee has scheduled a meeting for the purpose of reviewing the

proposal, the department shall, subject to approval by the U.S. department of health and human services of any required waiver of federal law relating to medical assistance and any required amendment to the state plan for medical assistance under 42 USC 1396a, implement the proposal beginning January 1, 2010. If, within 14 working days after the date of the department's submittal, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposal, the department may implement the proposal only upon approval of the committee. If the committee reviews the proposal and approves it, the department shall, subject to approval by the U.S. department of health and human services of any required waiver of federal law relating to medical assistance and any required amendment to the state plan for medical assistance under 42 USC 1396a, implement the proposal beginning January 1, 2010.

(e) By the first day of the 39th month beginning after the effective date of this paragraph [LRB inserts date], the department shall, if it was required under par. (d) to increase reimbursement to providers that satisfy a condition under par. (a) 1. or 2., submit a report to the joint committee on finance on whether the increased reimbursement results in net cost reductions for the Medical Assistance program under this subchapter and a recommendation as to whether to continue the increased reimbursement. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's submittal that the committee has scheduled a meeting for the purpose of reviewing the report and recommendation, the department may implement its recommendation. If, within 14 working days after the date of the department's submittal, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the report and recommendation, the department may discontinue the increased reimbursement only upon the approval of the committee.

SECTION 1302. 49.45 (24r) of the statutes is renumbered 49.45 (24r) (a) and amended to read:

49.45 (24r) (a) The department shall ~~request a~~ implement any waiver ~~from granted by~~ the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide family planning, as defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages of 15 and 44 whose family income does not exceed 200% of the poverty line for a family the size of the woman's family. ~~The department shall implement any waiver granted.~~

SECTION 1303. 49.45 (24r) (b) of the statutes is created to read:

49.45 (24r) (b) The department may request an amended waiver from the secretary to permit the department to conduct a demonstration project to provide fam-

ily planning to any man between the ages of 15 and 44 whose family income does not exceed 200 percent of the poverty line for a family the size of the man's family. If the amended waiver is granted, the department may implement the waiver.

SECTION 1304. 49.45 (25) (be) of the statutes is amended to read:

49.45 (25) (be) A private nonprofit agency that is a certified case management provider may elect to provide case management services to medical assistance beneficiaries who have HIV infection, as defined in s. 252.01 (2). The amount of the allowable charges for those services under the medical assistance program that is not provided by the federal government shall be paid from the appropriation account under s. 20.435 (5) (1) (am).

SECTION 1305. 49.45 (25) (bg) of the statutes is amended to read:

49.45 (25) (bg) An independent living center, as defined in s. 46.96 (1) (ah), that is a certified case management provider and satisfies the criteria in s. 46.96 (3m) (a) 1. to 3. and (am) may elect to provide case management services to one or more of the categories of medical assistance beneficiaries specified under par. (am). The amount of allowable charges for the services under the medical assistance program that is not provided by the federal government shall be paid from nonfederal, public funds received by the independent living center from a county, city, village or town or from funds distributed as a grant under s. 46.96.

SECTION 1305r. 49.45 (30f) of the statutes is created to read:

49.45 (30f) **PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES.** The department shall include licensed mental health professionals, as defined in s. 632.89 (1) (dm), and licensed psychologists, as defined in s. 455.01 (4), as providers of psychotherapy and of alcohol and other drug abuse services. Except for services provided under sub. (30e), the department may not require that licensed mental health professionals or licensed psychologists be supervised; may not require that clinical psychotherapy or alcohol and other drug abuse services be provided under a certified program; and, notwithstanding subs. (9) and (9m), may not require that a physician or other health care provider first prescribe psychotherapy or alcohol and other drug abuse services to be provided by a licensed mental health professional or licensed psychologist before the professional or psychologist may provide the services to the recipient. This subsection does not affect the department's powers under ch. 50 or 51 to establish requirements for facilities that are licensed, certified, or operated by the department.

SECTION 1306. 49.45 (30g) of the statutes is created to read:

49.45 (30g) **COMMUNITY RECOVERY SERVICES.** (a) *When services are reimbursable.* Community recovery services under s. 49.46 (2) (b) 6. Lo. provided to an indi-

vidual are reimbursable under the Medical Assistance program only if all of the following conditions are met:

1. An approved amendment to the state medical assistance plan submitted under 42 USC 1396n (i) permits reimbursement for the services under s. 49.46 (2) (b) 6. Lo. in the manner provided under this subsection.

2. The county in which the individual resides elects to provide the community recovery services under s. 49.46 (2) (b) 6. Lo. through the Medical Assistance program.

3. The individual, the community recovery services, and the community recovery services provider meet any condition set forth in the approved amendment to the medical assistance plan submitted under 42 USC 1396n (i).

(b) *Limit on the amount of reimbursement.* If community recovery services are reimbursable under par. (a), the department shall reimburse each participating county for the portion of the federal share of allowable charges for the community recovery services provided by the county that exceeds that county's proportionate share of \$600,000 in fiscal year 2010-2011 and for 95 percent of the federal share of allowable charges for the community recovery services provided by the county in each fiscal year thereafter. The portion of the federal share of allowable charges not reimbursed to counties shall be transferred to the appropriation account under s. 20.435 (5) (kx).

SECTION 1307. 49.45 (30m) (am) of the statutes is renumbered 49.45 (30m) (am) 1.

SECTION 1308. 49.45 (30m) (am) 2. of the statutes is created to read:

49.45 (30m) (am) 2. For individuals receiving the family care benefit under s. 46.286, the care management organization that manages the family care benefit for the recipient shall pay the portion of the payment that is not covered by the federal government for services that are described under par. (a) 1. and are covered services under the family care benefit; the department shall pay the remainder of the portion of the payment that is not covered by the federal government.

SECTION 1309. 49.45 (30r) of the statutes is created to read:

49.45 (30r) SERVICES IN A MENTAL HEALTH INSTITUTE. A county shall provide the portion of payment that is not provided by the federal government for services under s. 49.46 (2) (b) 6. e. in a mental health institute under s. 51.05.

SECTION 1310. 49.45 (41) (b) of the statutes is amended to read:

49.45 (41) (b) If a county elects to become certified as a provider of mental health crisis intervention services, the county may provide mental health crisis intervention services under this subsection in the county to medical assistance recipients through the medical assistance program. A county that elects to provide the services shall

pay the amount of the allowable charges for the services under the medical assistance program that is not provided by the federal government. The From the appropriation account under s. 20.435 (5) (bL), the department shall reimburse the county under this subsection only for the amount of the allowable charges for those services under the medical assistance program that is provided by the federal government.

SECTION 1311. 49.45 (42) of the statutes is renumbered 49.45 (42) (d).

SECTION 1312. 49.45 (42) (c) of the statutes is created to read:

49.45 (42) (c) The department may charge a fee to certify a provider of personal care services described under par. (d) 3. e. Fees collected under this paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

SECTION 1313. 49.45 (42) (d) 3. of the statutes is created to read:

49.45 (42) (d) 3. The provider of the personal care services is one of the following:

a. An independent living center meeting the criteria to receive a grant under s. 46.96.

b. A county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437.

c. A federally recognized American Indian tribe or band certified to provide services to medical assistance beneficiaries.

d. A home health agency licensed under s. 50.49.

e. Any other entity certified under sub. (2) (a) 11. to provide personal care services under s. 49.46 (2) (b) 6. j.

SECTION 1313h. 49.45 (43m) of the statutes is created to read:

49.45 (43m) CASE MANAGEMENT FOR CHILDREN WITH MEDICALLY COMPLEX CONDITIONS. The department shall provide case management services to an individual who is under 19 years of age and who is a recipient of medical assistance and who has a medically complex condition.

SECTION 1313k. 49.45 (44) of the statutes is amended to read:

49.45 (44) PRENATAL, POSTPARTUM AND YOUNG CHILD CARE COORDINATION. Providers in Milwaukee County that are certified to provide care coordination services under s. 49.46 (2) (b) 12. may be certified to provide to medical assistance recipients prenatal and postpartum care coordination services and care coordination services for children who have not attained the age of 7. Providers in the city of Racine that are certified to provide care coordination services under s. 49.46 (2) (b) 12. and are participating in a program under s. 253.16 may be certified to provide to medical assistance recipients prenatal and postpartum care coordination services and care coordination services for children who have not attained the age of 2. A provider of those care coordination services shall provide to a person receiving those services the information relating to shaken baby syndrome and