

1 but in the optional form under sub. (1) (d) and with monthly payments of 100% of the
2 amount of the annuity paid to the annuitant to be continued to the spouse or domestic
3 partner beneficiary.

4 **SECTION 801.** 40.25 (3m) of the statutes is amended to read:

5 40.25 (3m) A participant's application for a lump sum payment under sub. (1)
6 (b) or (2), filed after May 7, 1994, shall be signed by both the participant and the
7 participant's spouse or domestic partner, if the participant has been married to that
8 spouse, or in a domestic partnership with that domestic partner, for at least one year
9 immediately preceding the date the application is filed. The department may
10 promulgate rules that allow for the waiver of the requirements of this subsection for
11 a situation in which, by reason of absence or incompetency, the spouse's or domestic
12 partner's signature may not be obtained. This subsection does not apply to any
13 benefits paid from accumulated additional contributions.

14 **SECTION 801m.** 40.51 (2m) of the statutes is created to read:

15 40.51 (2m) (a) In addition to the restriction under par. (b), a domestic partner
16 of an eligible employee may not become covered under a group health insurance plan
17 under this subchapter unless the eligible employee submits an affidavit, designed by
18 the group insurance board, attesting that the eligible employee and his or her
19 domestic partner satisfy the requirements for a domestic partnership under s. 40.02
20 (21d). The eligible employee shall submit this affidavit to his or her employer at the
21 time the eligible employee first enrolls in a group health insurance plan under this
22 subchapter or at the time the eligible employee requests a change in dependent
23 status while the eligible employee is enrolled in a group health insurance plan under
24 this subchapter. Upon the dissolution of a domestic partnership, the eligible
25 employee shall submit in a timely manner to his or her employer an affidavit,



1 designed by the group insurance board, attesting to the dissolution of the domestic
2 partnership.

3 (b) If an eligible employee is divorced or was a domestic partner in a dissolved
4 domestic partnership, the eligible employee may not enroll a new spouse or domestic
5 partner in a group health insurance plan under this subchapter until 6 months have
6 elapsed since the date of the divorce or dissolved domestic partnership.

7 **SECTION 801r.** 40.51 (8) of the statutes, as affected by 2009 Wisconsin Act 14,
8 is amended to read:

9 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
10 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
11 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to
12 (6), 632.885, 632.895 (5m) and (8) to ~~(16)~~ (17), and 632.896.

13 **SECTION 801t.** 40.51 (8m) of the statutes, as affected by 2009 Wisconsin Act 14,
14 is amended to read:

15 40.51 (8m) Every health care coverage plan offered by the group insurance
16 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
17 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.885, and 632.895 (11) to ~~(16)~~
18 (17).

19 **SECTION 802.** 40.52 (2) of the statutes is amended to read:

20 40.52 (2) Health insurance benefits under this subchapter shall be integrated,
21 with exceptions determined appropriate by the group insurance board, with benefits
22 under federal plans for hospital and health care for the aged and disabled.
23 Exclusions and limitations with respect to benefits and different rates may be
24 established for persons eligible under federal plans for hospital and health care for
25 the aged and disabled in recognition of the utilization by persons within the age

1 limits eligible under the federal program. The plan may include special provisions
2 for spouses, domestic partners, and other dependents covered under a plan
3 established under this subchapter where one spouse or domestic partner is eligible
4 under federal plans for hospital and health care for the aged but the others are not
5 eligible because of age or other reasons. As part of the integration, the department
6 may, out of premiums collected under s. 40.05 (4), pay premiums for the federal
7 health insurance.

8 **SECTION 803.** 40.53 of the statutes is renumbered 146.45, and 146.45 (2) and
9 (3), as renumbered, are amended to read:

10 146.45 (2) The ~~group insurance board~~ department shall develop a purchasing
11 pool for pharmacy benefits that uses a preferred list of covered prescription drugs.
12 The pool shall consist of ~~the state and~~ any eligible party that satisfies the conditions
13 established under sub. (3) for joining the pool. The ~~group insurance board~~
14 department shall seek to develop the preferred list of covered prescription drugs
15 under an evidence-based analysis that first identifies the relative effectiveness of
16 prescription drugs within therapeutic classes for particular diseases and conditions
17 and next identifies the least costly prescription drugs, including prescription drugs
18 with generic names that are alternatives to prescription drugs with brand names,
19 among those found to be equally effective.

20 (3) The ~~group insurance board~~ department shall propose conditions that an
21 eligible party must satisfy to join the purchasing pool established under sub. (2).

22 **SECTION 804.** 40.55 (1) of the statutes is amended to read:

23 40.55 (1) Except as provided in sub. (5), the state shall offer, through the group
24 insurance board, to eligible employees under s. 40.02 (25) (bm) and to state
25 annuitants long-term care insurance policies which have been filed with the office

1 of the commissioner of insurance and which have been approved for offering under
2 contracts established by the group insurance board if the insurer requests that the
3 policy be offered and the state shall also allow an eligible employee or a state
4 annuitant to purchase those policies for his or her spouse, domestic partner, or
5 parent.

6 **SECTION 805.** 40.62 (2) of the statutes, as affected by 2009 Wisconsin Act 15,
7 is amended to read:

8 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
9 of the department, any collective bargaining agreement under subch. I or, V, or VI
10 of ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,
11 757.02 (5) and 978.12 (3).

12 **SECTION 806.** 40.65 (5) (b) 1. of the statutes is amended to read:

13 40.65 (5) (b) 1. Any OASDHI benefit payable to the participant or the
14 participant's spouse, domestic partner, or a dependent because of the participant's
15 work record.

16 **SECTION 807.** 40.65 (5) (c) of the statutes is amended to read:

17 40.65 (5) (c) The Wisconsin retirement board may not reduce a participant's
18 benefit because of income or benefits that are attributable to the earnings or work
19 record of the participant's spouse, domestic partner, or other member of the
20 participant's family, or because of income or benefits attributable to an insurance
21 contract, including income continuation programs.

22 **SECTION 808.** 40.65 (7) (am) (intro.) of the statutes is amended to read:

23 40.65 (7) (am) (intro.) This paragraph applies to benefits based on applications
24 filed on or after May 3, 1988. If a protective occupation participant dies as a result
25 of an injury or a disease for which a benefit is paid or would be payable under sub.

1 (4), and the participant is survived by a spouse, domestic partner, or an unmarried
2 child under the age of 18, a monthly benefit shall be paid as follows:

3 **SECTION 809.** 40.65 (7) (am) 1. of the statutes is amended to read:

4 40.65 (7) (am) 1. To the surviving spouse or domestic partner until the
5 surviving spouse remarries or the surviving domestic partner enters into a new
6 domestic partnership or marries, if the spouse was married to the participant on the
7 date that the participant was disabled under sub. (4) or the domestic partner was in
8 a domestic partnership with the participant on the date that the participant was
9 disabled under sub. (4), 50% of the participant's monthly salary at the time of death,
10 but reduced by any amount payable under sub. (5) (b) 1. to 6.

11 **SECTION 810.** 40.65 (7) (am) 2. of the statutes is amended to read:

12 40.65 (7) (am) 2. To a guardian for each of that guardian's wards who is an
13 unmarried surviving child under the age of 18, 10% of the participant's monthly
14 salary at the time of death, payable until the child marries, dies or reaches the age
15 of 18, whichever occurs first. The marital or domestic partnership status of the
16 surviving spouse or domestic partner shall have no effect on the payments under this
17 subdivision.

18 **SECTION 811.** 40.65 (7) (ar) 1. of the statutes is amended to read:

19 40.65 (7) (ar) 1. This paragraph applies to benefits based on applications filed
20 on or after May 12, 1998. If a protective occupation participant, who is covered by
21 the presumption under s. 891.455, dies as a result of an injury or a disease for which
22 a benefit is paid or would be payable under sub. (4), and the participant is survived
23 by a spouse, domestic partner, or an unmarried child under the age of 18, a monthly
24 benefit shall be paid as follows:



1 a. To the surviving spouse or domestic partner until the surviving spouse or
2 domestic partner remarries or enters into a new domestic partnership, if the
3 surviving spouse was married to the participant on the date that the participant was
4 disabled under sub. (4) or the domestic partner was in a domestic partnership with
5 the participant on the date that the participant was disabled under sub. (4), 70% of
6 the participant's monthly salary at the time of death, but reduced by any amount
7 payable under sub. (5) (b) 1. to 6.

8 b. If there is no surviving spouse or domestic partner or the surviving spouse
9 or domestic partner subsequently dies, to a guardian for each of that guardian's
10 wards who is an unmarried surviving child under the age of 18, 10% of the
11 participant's monthly salary at the time of death, payable until the child marries,
12 dies or reaches the age of 18, whichever occurs first.

13 **SECTION 812.** 40.80 (2r) (a) 2. of the statutes is amended to read:

14 40.80 (2r) (a) 2. Assigns all or part of a participant's accumulated assets held
15 in a deferred compensation plan under this subchapter to a spouse, former spouse,
16 domestic partner, former domestic partner, child, or other dependent to satisfy a
17 family support or marital property obligation.

18 **SECTION 813.** 40.80 (3) of the statutes is amended to read:

19 40.80 (3) Any action taken under this section shall apply to employees covered
20 by a collective bargaining agreement under subch. V or VI of ch. 111.

21 **SECTION 814.** 40.81 (3) of the statutes is amended to read:

22 40.81 (3) Any action taken under this section shall apply to employees covered
23 by a collective bargaining agreement under subch. IV ~~or~~ V, or VI of ch. 111.

24 **SECTION 815.** 40.95 (1) (a) 2. of the statutes is amended to read:

1 40.95 (1) (a) 2. The employee has his or her compensation established in a
2 collective bargaining agreement under subch. V or VI of ch. 111.

3 **SECTION 816m.** 41.11 (6) (d) of the statutes is amended to read:

4 41.11 (6) (d) In each biennium, at least not less than \$200,000 for grants to
5 conduct or contract for marketing activities related to exhibits or activities on behalf
6 of the Milwaukee Public Museum for Native American exhibits and activities.

7 **SECTION 817.** 41.11 (6) (e) of the statutes is created to read:

8 41.11 (6) (e) In each fiscal year, at least \$200,000 for grants to Native American
9 Tourism of Wisconsin.

10 **SECTION 817m.** 41.16 of the statutes is created to read:

11 **41.16 Grants to municipalities and organizations for regional tourist**
12 **information centers. (1) DEFINITIONS.** In this section:

13 (a) "Applicant" means any of the following and any combination of any of the
14 following:

15 1. A nonprofit organization, as defined in s. 106.13 (4) (a) 1r., whose purposes
16 include tourism to or within the state or a particular region in the state.

17 2. An organization, including an elected governing body, of a federally
18 recognized American Indian tribe or band in this state.

19 3. A city, village, town, or county.

20 (b) "Region" means 2 or more counties in this state.

21 **(2) GRANT ELIGIBILITY.** From the appropriation under s. 20.380 (1) (km), the
22 department may award a grant under this section to an applicant to reimburse the
23 applicant for up to 50 percent of eligible costs incurred by the applicant to operate
24 a regional tourist information center. The tourist information center must provide
25 informational and promotional materials on cultural or recreational attractions in

1 the region and must be located in a place at which a tourist to the state or region
2 would be reasonably assumed to stop while traveling to or from a recreational or
3 cultural destination. Eligible costs under this subsection include costs to staff the
4 regional tourist information center and to acquire promotional materials and
5 standard display equipment for the tourist information center.

6 **(3) APPLICATION AND WRITTEN AGREEMENT.** (a) An applicant shall apply for a
7 grant under this section on a form prepared by the department.

8 (b) The department shall enter into a written agreement with each grant
9 recipient. The agreement shall specify the terms of the grant, including all of the
10 following:

11 1. The name, address, and contact person of the grant recipient.

12 2. A description of the regional tourist information center being operated with
13 grant moneys.

14 3. A preliminary itemized statement of the estimated total costs of the project.

15 4. A statement that the grant recipient must submit to the department an
16 itemized statement of the actual expenditures incurred as a condition for receiving
17 reimbursement under the grant.

18 5. Any conditions for the release of the grant funds under this section.

19 **(4) LIMITATIONS.** (a) No funds may be released except in accordance with the
20 written agreement under sub. (3) and only upon presentation of receipted vouchers
21 for project expenditures by the applicant, together with such other documentary
22 evidence substantiating payments and the purposes for which the payments were
23 made as the departmental rules require.

24 (b) Funds released in any given project may not exceed 50 percent of the total
25 project costs.

1 (c) The department shall promulgate rules to administer the grants under this
2 section, including the preparation of an application form.

3 **SECTION 818.** 43.24 (1) (a) 1. of the statutes is amended to read:

4 43.24 (1) (a) 1. Determine the percentage change in the total amount
5 appropriated under s. 20.255 (3) ~~(e)~~ (qm) between the previous fiscal year and the
6 current fiscal year, except that for the 2009-10 fiscal year, determine the percentage
7 change in the total amount appropriated under s. 20.255 (3) (e), 2007 stats., and (qm)
8 in the previous fiscal year, and s. 20.255 (3) (qm) in the current fiscal year.

9 **SECTION 819.** 43.24 (1) (c) of the statutes is amended to read:

10 43.24 (1) (c) Beginning in the fiscal year in which the total amount of state aid
11 appropriated for public library systems under s. 20.255 (3) ~~(e)~~ and (qm), as
12 determined by the department, equals at least 11.25% of the total operating
13 expenditures for public library services from local and county sources in the calendar
14 year ending in that fiscal year, the amount paid to each system shall be determined
15 by adding the result of each of the following calculations:

16 1. Multiply the system's percentage of the state's population by the product of
17 the amount appropriated under s. 20.255 (3) ~~(e)~~ and (qm) and 0.85.

18 2. Multiply the system's percentage of the state's geographical area by the
19 product of the amount appropriated under s. 20.255 (3) ~~(e)~~ and (qm) and 0.075.

20 3. Divide the sum of the payments to the municipalities and counties in the
21 system under subch. I of ch. 79 for the current fiscal year, as reflected in the
22 statement of estimated payments under s. 79.015, by the total of all payments under
23 subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated
24 payments under s. 79.015, and multiply the result by the product of the amount
25 appropriated under s. 20.255 (3) ~~(e)~~ and (qm) and 0.075.



1 **SECTION 820.** 43.24 (3) of the statutes is amended to read:

2 43.24 (3) Annually, the division shall review the reports and proposed service
3 plans submitted by the public library systems under s. 43.17 (5) for conformity with
4 this chapter and such rules and standards as are applicable. Upon approval, the
5 division shall certify to the department of administration an estimated amount to
6 which each system is entitled under this section. Annually on or before December
7 1 of the year immediately preceding the year for which aids are to be paid, the
8 department of administration shall pay each system 75% of the certified estimated
9 amount from the ~~appropriations~~ appropriation under s. 20.255 (3) (e) ~~and~~ (qm). The
10 division shall, on or before the following April 30, certify to the department of
11 administration the actual amount to which the system is entitled under this section.
12 On or before July 1, the department of administration shall pay each system the
13 difference between the amount paid on December 1 of the prior year and the certified
14 actual amount of aid to which the system is entitled from the ~~appropriations~~
15 appropriation under s. 20.255 (3) (e) ~~and~~ (qm). The division may reduce state aid
16 payments when any system or any participant thereof fails to meet the requirements
17 of sub. (2). Beginning September 1, 1991, the division may reduce state aid payments
18 to any system if the system or any participant in the system fails to meet the
19 requirements of s. 43.15 (4).

20 **SECTION 821.** 43.24 (3m) of the statutes is amended to read:

21 43.24 (3m) If the ~~appropriations~~ appropriation under s. 20.255 (3) (e) ~~and~~ (qm)
22 in any one year ~~are~~ is insufficient to pay the full amount under sub. (1), state aid
23 payments shall be prorated among the library systems entitled to such aid.

24 **SECTION 822.** 43.24 (6) of the statutes is amended to read:

1 43.24 (6) In submitting information under s. 16.42 for purposes of the biennial
2 budget bill, the department shall include an amount for public library services for
3 each fiscal year of the fiscal biennium equal to 13% of the total operating
4 expenditures for public library services, in territories anticipated to be within all
5 systems in the state, from local and county sources in the calendar year immediately
6 preceding the calendar year for which aid under this section is to be paid. The
7 amount shall include a recommendation for the appropriation under s. 20.255 (3) (e)
8 (qm) and recommendations for the funding of other public library services, as
9 determined by the department in conjunction with public libraries and public library
10 systems.

11 **SECTION 823.** 44.02 (24) of the statutes is amended to read:

12 44.02 (24) Promulgate by rule procedures, standards and forms necessary to
13 certify, and shall certify, expenditures for preservation or rehabilitation of historic
14 property for the purposes of ~~s. ss.~~ ss. 71.07 (9m) and (9r), 71.28 (6), and 71.47 (6). These
15 standards shall be substantially similar to the standards used by the secretary of the
16 interior to certify rehabilitations under 26 USC 47 (c) (2).

17 **SECTION 824.** 45.03 (13) (j) of the statutes is amended to read:

18 45.03 (13) (j) Provide grants to eligible persons who administer a program to
19 identify, train, and place volunteers at the community level who will assist national
20 guard members, members of the U.S. armed forces or forces incorporated in the U.S.
21 armed forces, and their spouses and dependents, who return to this state after
22 serving on active duty. The department shall make available to the volunteers,
23 veterans, and their spouses and dependents, a packet of information about the
24 benefits that they may be eligible to receive from the state or federal government.



1 The annual amount that may be expended under this paragraph may not exceed
2 \$201,000. This paragraph does not apply after June 30, ~~2007~~ 2011.

3 **SECTION 825.** 45.20 (2) (c) 2. a. of the statutes is amended to read:

4 45.20 (2) (c) 2. a. Be completed and received by the department ~~no later than~~
5 ~~60 days after the completion of the semester or course.~~ The department may accept
6 ~~an application received more than 60 days after the completion of the semester or~~
7 ~~course if the applicant shows good cause for the delayed receipt~~ in a time limit set
8 by administrative rule.

9 **SECTION 826.** 45.20 (2) (f) of the statutes is repealed.

10 **SECTION 827.** 45.43 (1) of the statutes is amended to read:

11 45.43 (1) The department shall administer a program to provide assistance to
12 persons who served in the U.S. armed forces or in forces incorporated as part of the
13 U.S. armed forces and who were discharged under conditions other than
14 dishonorable. The department shall provide assistance to persons whose need for
15 services is based upon homelessness, incarceration, or other circumstances
16 designated by the department by rule. The department shall designate the
17 assistance available under this section, which may include assistance in receiving
18 medical care, dental care, education, employment, single room occupancy housing,
19 and transitional housing. The department may provide payments to facilitate the
20 provision of services under this section. From the appropriation under s. 20.485 (2)
21 (ac), the department shall provide \$15,000 annually during fiscal years 2007-08 and
22 2008-09 to the Center for Veterans Issues, Ltd., of Milwaukee, to provide outreach
23 services to homeless veterans with post-traumatic stress disorder.

24 **SECTION 828.** 45.43 (2) of the statutes is amended to read:

1 45.43 (2) The department may charge fees for single room occupancy housing,
2 transitional housing, and for other assistance provided under this section that the
3 department designates. The department shall promulgate rules establishing the fee
4 schedule and the manner of implementation of that schedule.

5 **SECTION 829.** 46.028 of the statutes is created to read:

6 **46.028 Electronic benefit transfer.** The department may deliver benefits
7 that are administered by the department to recipients of the benefits by an electronic
8 benefit transfer system if all of the following conditions are satisfied:

9 (1) The department obtains any authorization from a federal agency that is
10 required under federal law to deliver the benefits by an electronic benefit transfer
11 system.

12 (2) The department promulgates an administrative rule to deliver the benefits
13 by an electronic benefits transfer system.

14 (3) The department does not require a county or tribal governing body to use
15 the electronic benefit transfer system if the costs to the county or tribal government
16 of delivering the benefits by the electronic benefit transfer system would be greater
17 than the costs to the county or tribal government of delivering the benefits by means
18 other than an electronic benefit transfer system.

19 **SECTION 830.** 46.03 (2a) of the statutes is amended to read:

20 46.03 (2a) GIFTS. Be authorized to accept gifts, grants or donations of money
21 or of property from private sources to be administered by the department for the
22 execution of its functions. ~~All moneys so received shall be paid into the general fund~~
23 ~~and are appropriated therefrom as provided in s. 20.435 (9) (i).~~

24 **SECTION 831.** 46.03 (43) of the statutes is amended to read:



1 46.03 (43) COMPULSIVE GAMBLING AWARENESS CAMPAIGNS. From the
2 appropriation account under s. 20.435 (7) (5) (kg), provide award grants to one or
3 more individuals or organizations in the private sector to conduct compulsive
4 gambling awareness campaigns.

5 **SECTION 832.** 46.057 (2) of the statutes is amended to read:

6 46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the
7 department of corrections shall transfer to the appropriation account under s. 20.435
8 (2) (kx) ~~\$1,379,300~~ ^{check Δ} \$1,365,500 in each fiscal year and, [✓] from the appropriation
9 account under s. 20.410 (3) (hm), the department of corrections shall transfer to the
10 appropriation account under s. 20.435 (2) (kx) ~~\$2,639,800~~ \$2,872,300 in fiscal year
11 ~~2007-08~~ 2009-10 and ~~\$2,707,300~~ \$2,896,100 in fiscal year ~~2008-09~~ 2010-11, for
12 services for juveniles placed at the Mendota juvenile treatment center. The
13 department of health services may charge the department of corrections not more
14 than the actual cost of providing those services.

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15 **SECTION 833.** 46.10 (8) (i) of the statutes is amended to read:

16 46.10 (8) (i) Pay quarterly from the appropriation accounts under s. 20.435 (2)
17 (gk) and (7) (5) (gg) the collection moneys due county departments under ss. 51.42
18 and 51.437. Payments shall be made as soon after the close of each quarter as is
19 practicable.

20 **SECTION 834.** 46.10 (14) (a) of the statutes is amended to read:

21 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person
22 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
23 under 18 years of age at community mental health centers, a county mental health
24 complex under s. 51.08, the centers for the developmentally disabled, the Mendota
25 Mental Health Institute, and the Winnebago Mental Health Institute or care and

1 maintenance of persons under 18 years of age in residential, nonmedical facilities
2 such as group homes, foster homes, ~~treatment foster homes~~, subsidized
3 guardianship homes, residential care centers for children and youth, and juvenile
4 correctional institutions is determined in accordance with the cost-based fee
5 established under s. 46.03 (18). The department shall bill the liable person up to any
6 amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
7 3rd-party benefits, subject to rules that include formulas governing ability to pay
8 promulgated by the department under s. 46.03 (18). Any liability of the patient not
9 payable by any other person terminates when the patient reaches age 18, unless the
10 liable person has prevented payment by any act or omission.

11 **SECTION 835.** 46.10 (14) (b) of the statutes is amended to read:

12 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
13 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
14 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
15 in a residential, nonmedical facility such as a group home, foster home, ~~treatment~~
16 ~~foster home~~, subsidized guardianship home, or residential care center for children
17 and youth shall be determined by the court by using the percentage standard
18 established by the department of children and families under s. 49.22 (9) and by
19 applying the percentage standard in the manner established by the department
20 under par. (g).

21 **SECTION 836.** 46.208 (1) of the statutes is amended to read:

22 46.208 (1) All records of the county or tribal governing body relating to the
23 administration of relief ~~that is funded by a relief block grant under ch. 49, as defined~~
24 in s. 49.001 (5p), shall be open to inspection at all reasonable hours by authorized
25 representatives of the department.

1 **SECTION 837.** 46.208 (2m) of the statutes is amended to read:

2 46.208 **(2m)** The department may at any time audit all records of the relief
3 agency relating to the administration of relief funded by a relief block grant ~~under~~
4 ~~ch. 49, as defined in s. 49.001 (5p)~~, and may at any time conduct administrative
5 reviews of a county department under s. 46.215, 46.22, or 46.23. The department
6 shall furnish a copy of the county audit or administrative review report to the
7 chairperson of the county board of supervisors and the county clerk in a county with
8 a single-county department or to the county boards of supervisors and the county
9 clerks in counties with a multicounty department, and to the county director of the
10 county department under s. 46.215, 46.22, or 46.23.

11 **SECTION 838.** 46.21 (1) (d) of the statutes is amended to read:

12 46.21 **(1)** (d) "Human services" means the total range of services to people,
13 including mental illness treatment, developmental disabilities services, physical
14 disabilities services, ~~relief funded by a relief block grant under ch. 49~~, income
15 maintenance, youth probation, extended supervision and parole services, alcohol
16 and drug abuse services, services to children, youth and families, family counseling,
17 early intervention services for children from birth to the age of 3, and manpower
18 services. "Human services" does not include child welfare services under s. 48.48 (17)
19 administered by the department in a county having a population of 500,000 or more.

20 **SECTION 839.** 46.21 (2) (j) of the statutes is amended to read:

21 46.21 **(2)** (j) May exercise approval or disapproval power over contracts and
22 purchases of the director that are for \$50,000 or more, except that the county board
23 of supervisors may not exercise approval or disapproval power over any personal
24 service contract or over any contract or purchase of the director ~~which~~ that relates
25 to community living arrangements, adult family homes, or foster homes ~~or treatment~~

1 foster homes and which that was entered into pursuant to a contract under s. 46.031
2 (2g) or 301.031 (2g), regardless of whether the contract mentions the provider, except
3 as provided in par. (m). This paragraph does not preclude the county board of
4 supervisors from creating a central purchasing department for all county purchases.

5 **SECTION 839p.** 46.215 (1) (intro.) of the statutes, as affected by 2009 Wisconsin
6 Act 15, is amended to read:

7 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population
8 of 500,000 or more the administration of welfare services, other than child welfare
9 services under s. 48.48 (17) administered by the department and except as provided
10 in ~~s. ss. 49.155 (3g), 49.825, and 49.826~~, is vested in a county department of social
11 services under the jurisdiction of the county board of supervisors under s. 46.21 (2m)
12 (b) 1. a. Any reference in any law to a county department of social services under this
13 section applies to a county department under s. 46.21 (2m) in its administration
14 under s. 46.21 (2m) of the powers and duties of the county department of social
15 services. Except as provided in ~~s. ss. 49.155 (3g), 49.825, and 49.826~~, the county
16 department of social services shall have the following functions, duties, and powers,
17 and such other welfare functions as may be delegated to it:

18 **SECTION 840.** 46.215 (1) (d) of the statutes is amended to read:

19 46.215 (1) (d) To make investigations that relate to services under subchs. II,
20 IV, and V of ch. 49 upon request by the department of health services, to make
21 investigations that relate to juvenile delinquency-related services at the request of
22 the department of corrections, and to make investigations that relate to programs
23 under ch. 48 and subch. III of ch. 49 upon request by the department of children and
24 families.

25 **SECTION 841.** 46.215 (1) (fm) of the statutes is repealed.



1 **SECTION 844.** ✓ 46.215 (1) (p) of the statutes is amended to read:

2 46.215 (1) (p) To ~~establish and~~ administer the child care program under s.
3 49.155, if the department of children and families contracts with the county
4 department of social services to do so.

5 **SECTION 845d.** 46.215 (2) (c) 3. of the statutes is amended to read:

6 46.215 (2) (c) 3. A county department of social services shall develop, under the
7 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related
8 care and services to be purchased. The department of corrections may review the
9 contracts and approve them if they are consistent with s. 301.08 (2) and if state or
10 federal funds are available for such purposes. The joint committee on finance may
11 require the department of corrections to submit the contracts to the committee for
12 review and approval. The department of corrections may not make any payments
13 to a county for programs included in a contract under review by the committee. The
14 department of corrections shall reimburse each county for the contracts from the
15 appropriations under s. 20.410 (3) (cd) ~~and~~, (ko), and (o) as appropriate.

16 **SECTION 846.** 46.22 (1) (b) 1. d. of the statutes is amended to read:

17 46.22 (1) (b) 1. d. To submit a final budget ^{check Δ} in accordance with s. 46.031 (1) for
18 services authorized in this section, except for the administration of and cost of aid
19 granted under ss. ~~49.02~~, 49.19 and 49.45 to 49.471.

20 **SECTION 847.** 46.22 (1) (b) 1. h. of the statutes is repealed.

21 **SECTION 849.** 46.22 (1) (b) 2. fm. of the statutes is amended to read:

22 46.22 (1) (b) 2. fm. To ~~establish and~~ administer the child care program under
23 s. 49.155, if the department of children and families contracts with the county
24 department of social services to do so.

25 **SECTION 853d.** 46.22 (1) (e) 3. c. of the statutes is amended to read:

1 46.22 (1) (e) 3. c. A county department of social services shall develop, under
2 the requirements of s. 301.08 (2), plans and contracts for juvenile
3 delinquency-related care and services to be purchased. The department of
4 corrections may review the contracts and approve them if they are consistent with
5 s. 301.08 (2) and to the extent that state or federal funds are available for such
6 purposes. The joint committee on finance may require the department of corrections
7 to submit the contracts to the committee for review and approval. The department
8 of corrections may not make any payments to a county for programs included in the
9 contract that is under review by the committee. The department of corrections shall
10 reimburse each county for the contracts from the appropriations under s. 20.410 (3)
11 (cd) ~~and~~, (ko), ~~and~~ (o) as appropriate.

12 **SECTION 854.** 46.23 (2) (a) of the statutes is amended to read:

13 46.23 (2) (a) "Human services" means the total range of services to people
14 including, but not limited to, health care, mental illness treatment, developmental
15 disabilities services, ~~relief funded by a block grant under ch. 49~~, income
16 maintenance, probation, extended supervision and parole services, alcohol and drug
17 abuse services, services to children, youth and aging, family counseling, special
18 education services, and manpower services.

19 **SECTION 855.** 46.266 (1) (intro.) of the statutes is amended to read:

20 46.266 (1) (intro.) Notwithstanding s. 49.45 (6m) (ag) and except as provided
21 in sub. (3), if before July 1, 1989, the federal health care financing administration or
22 the department found a skilled nursing facility or intermediate care facility in this
23 state that provides care to medical assistance recipients for which the facility
24 receives reimbursement under s. 49.45 (6m) to be an institution for mental diseases,
25 the department shall allocate funds from the appropriation account under s. 20.435

1 (7) (5) (be) for distribution under this section to a county department under s. 51.42
2 for the care, in the community or in a facility found to be an institution for mental
3 diseases, of the following persons:

4 **SECTION 856.** 46.268 (1) (intro.) of the statutes is amended to read:

5 46.268 (1) (intro.) Notwithstanding s. 49.45 (6m) (ag), from the appropriation
6 account under s. 20.435 (7) (5) (be), the department shall distribute not more than
7 \$830,000 in each fiscal year in order to provide funding of community services for an
8 eligible individual, if all of the following apply:

9 **SECTION 858.** 46.281 (1n) (e) of the statutes is amended to read:

10 46.281 (1n) (e) Contract with a person to provide the advocacy services
11 described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family
12 care benefit who are under age 60 or to their families or guardians. The department
13 may not contract under this paragraph with a county or with a person who has a
14 contract with the department to provide services under s. 46.283 (3) and (4) as a
15 resource center or to administer the family care benefit as a care management
16 organization. The contract under this paragraph shall include as a goal that the
17 provider of advocacy services provide one advocate for every 2,500 individuals under
18 age 60 who receive the family care benefit. ~~The department shall allocate \$190,000~~
19 ~~for the contract under this paragraph in fiscal year 2007-08 and \$525,000 in each~~
20 ~~subsequent fiscal year or who participates in the self-directed services option, which~~
21 is operated under a waiver from the secretary of the federal department of health and
22 human services under 42 USC 1396n (c).

23 **SECTION 859.** 46.281 (3) of the statutes is amended to read:

24 46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county,
25 hospital, nursing home, community-based residential facility, adult family home, as

1 defined in s. 50.01 (1) (a) or (b), and residential care apartment complex the date on
2 which a resource center that serves the area of the county, hospital, nursing home,
3 community-based residential facility, adult family home, or residential care
4 apartment complex is first available to perform functional screenings and financial
5 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
6 the secretary may certify that the resource center is available for specified groups of
7 eligible individuals or for specified facilities in the county.

8 **SECTION 860.** 46.283 (4) (e) of the statutes is amended to read:

9 46.283 (4) (e) Provide information about the services of the resource center,
10 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
11 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit to all older
12 persons and persons with a physical disability who are residents of nursing homes,
13 community-based residential facilities, adult family homes, as defined in s. 50.01 (1)
14 (a) or (b), and residential care apartment complexes in the area of the resource center.

15 **SECTION 861.** 46.283 (4) (g) of the statutes is amended to read:

16 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
17 screening for any person seeking admission to a nursing home, community-based
18 residential facility, residential care apartment complex, or adult family home, as
19 defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the resource center
20 is available to the person and the facility and the person is determined by the
21 resource center to have a condition that is expected to last at least 90 days that would
22 require care, assistance, or supervision. A resource center may not require a
23 financial and cost-sharing screening for a person seeking admission or about to be
24 admitted on a private pay basis who waives the requirement for a financial and
25 cost-sharing screening under this paragraph, unless the person is expected to

1 become eligible for medical assistance within 6 months. A resource center need not
2 perform a functional screening for a person seeking admission or about to be
3 admitted for whom a functional screening was performed within the previous 6
4 months.

5 **SECTION 862.** 46.284 (3m) of the statutes is created to read:

6 46.284 (3m) PERMIT REQUIRED. A care management organization that is
7 described under s. 600.01 (1) (b) 10. a., to which s. 600.01 (1) (b) 10. b. does not apply
8 and that is certified under sub. (3) shall apply for a permit with the office of the
9 commissioner of insurance under ch. 648.

10 **SECTION 863.** 46.284 (4) (m) of the statutes is created to read:

11 46.284 (4) (m) Compensate providers, as defined in s. 46.2898 (1) (e), in
12 accordance with any agreement under subch. V of ch. 111 relating to a provider hired
13 directly by an enrollee and make any payroll deductions authorized by those
14 agreements.

15 **SECTION 864.** 46.286 (1) (a) (intro.) and 1. (intro.) of the statutes are
16 consolidated, renumbered 46.286 (1) (a) (intro.) and amended to read:

17 46.286 (1) (a) *Functional eligibility.* (intro.) A person is functionally eligible
18 if any of the following applies the person's level of care need, as determined by the
19 department or its designee: ~~1. (intro.) The person's level of care need,~~ is either of the
20 following:

21 **SECTION 865.** 46.286 (1) (a) 1. a. of the statutes is renumbered 46.286 (1) (a) 1m.

22 **SECTION 866.** 46.286 (1) (a) 1. b. of the statutes is renumbered 46.286 (1) (a) 2m.

23 **SECTION 867.** 46.286 (1) (a) 2. (intro.) of the statutes is repealed.

24 **SECTION 868.** 46.286 (1) (a) 2. a. of the statutes is renumbered 46.286 (3) (b) 2.

25 a.

1 **SECTION 869.** 46.286 (1) (a) 2. b. of the statutes is renumbered 46.286 (3) (b) 2.

2 b.

3 **SECTION 870.** 46.286 (1) (a) 2. c. of the statutes is renumbered 46.286 (3) (b) 2.

4 c.

5 **SECTION 871.** 46.286 (1) (a) 2. d. of the statutes is renumbered 46.286 (3) (b) 2.

6 d.

7 **SECTION 872.** 46.286 (1) (a) 2. e. of the statutes is renumbered 46.286 (3) (b) 2.

8 e.

9 **SECTION 872k.** 46.286 (1) (b) (intro.) (except 46.286 (1) (b) (title)) of the statutes
10 is renumbered 46.286 (1) (b) 2m. (intro.).

11 **SECTION 873.** 46.286 (1) (b) 1c. of the statutes is created to read:

12 46.286 (1) (b) 1c. In this paragraph, “medical assistance” does not include
13 coverage of the benefits under s. 49.471 (11).

14 **SECTION 874.** 46.286 (1) (b) 1m. of the statutes is renumbered 46.286 (1) (b) 2m.

15 a.

16 **SECTION 875.** 46.286 (1) (b) 3. of the statutes is renumbered 46.286 (1) (b) 2m.

17 b.

18 **SECTION 877.** 46.286 (3) (a) 4m. of the statutes is amended to read:

19 46.286 (3) (a) 4m. The person is financially eligible under sub. (1) (b) ~~1m.~~ 2m.
20 a., and fulfills any applicable cost-sharing requirements.

21 **SECTION 878.** 46.286 (3) (b) 2. of the statutes is renumbered 46.286 (3) (b) 2.

22 (intro.) and amended to read:

23 46.286 (3) (b) 2. (intro.) If the contract between the care management
24 organization and the department is canceled or not renewed. If this circumstance
25 occurs, the department shall assure that enrollees continue to receive needed

1 services through another care management organization or through the medical
2 assistance fee-for-service system or any of the following programs specified under
3 ~~sub. (1) (a) 2. a. to d.:~~

4 **SECTION 879.** 46.286 (3) (c) of the statutes is amended to read:

5 46.286 (3) (c) Within each county and for each client group, par. (a) shall first
6 apply on the effective date of a contract under which a care management
7 organization accepts a per person per month payment to provide services under the
8 family care benefit to eligible persons in that client group in the county. Within 24
9 36 months after this date, the department shall assure that sufficient capacity exists
10 within one or more care management organizations to provide the family care benefit
11 to all entitled persons in that client group in the county.

12 **SECTION 880.** 46.288 (2) (intro.) of the statutes is amended to read:

13 46.288 (2) (intro.) Criteria and procedures for determining functional
14 eligibility under s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost
15 sharing under s. 46.286 (2) (a). The rules for determining functional eligibility under
16 s. 46.286 (1) (a) ~~1. a. 1m.~~ shall be substantially similar to eligibility criteria for receipt
17 of the long-term support community options program under s. 46.27. Rules under
18 this subsection shall include definitions of the following terms applicable to s. 46.286:

19 **SECTION 881.** 46.288 (2) (a) of the statutes is repealed.

20 **SECTION 882.** 46.288 (2) (b) of the statutes is repealed.

21 **SECTION 883.** 46.288 (2) (c) of the statutes is repealed.

22 **SECTION 883x.** ✓ 46.2897 of the statutes is created to read:

23 **46.2897 Self-directed services option; advocacy services.** The
24 department shall allow a participant in the self-directed services option that is
25 operated under a waiver from the secretary of the federal department of health and

1 human services under 42 USC 1396n (c) to access the advocacy services contracted
2 for by the department under s. 46.281 (1n) (e). ✓

3 **SECTION 884.** 46.2898 of the statutes is created to read:

4 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

5 (a) "Authority" means the Wisconsin Quality Home Care Authority.

6 (b) "Care management organization" has the meaning given in s. 46.2805 (1).

7 (cm) "Consumer" means an adult who receives home care services and who
8 meets all of the following criteria:

9 1. Is a resident of any of the following:

10 a. A county that has acted under sub. (2) (a).

11 b. A county in which the Family Care Program under s. 46.286 is available.

12 c. A county in which the Program of All-Inclusive Care for the Elderly under
13 42 USC 1396u-4 is available.

14 d. A county in which the self-directed services option program under 42 USC
15 1396n (c) is available or in which a program operated under an amendment to the
16 state medical assistance plan under 42 USC 1396n (j) is available.

17 2. Self-directs all or part of his or her home care services and is an employer
18 listed on the provider's income tax forms.

19 3. Is eligible to receive a home care benefit under one of the following:

20 a. The Family Care Program under s. 46.286.

21 b. The Program of All-Inclusive Care for the Elderly, under 42 USC 1396u-4.

22 c. A program operated under a waiver from the secretary of the federal
23 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
24 (b) and (c) or the self-directed services option operated under 42 USC 1396n (c).

1 d. A program operated under an amendment to the state medical assistance
2 plan under 42 USC 1396n (j).

3 (dm) "Home care" means supportive home care, personal care, and other
4 nonprofessional services of a type that may be covered under a medical assistance
5 waiver under 42 USC 1396n (c) and that are provided to individuals to assist them
6 in meeting their daily living needs, ensuring adequate functioning in their homes,
7 and permitting safe access to their communities.

8 (e) "Provider" means an individual who is hired by a consumer to provide home
9 care to the consumer but does not include any of the following:

10 1. A person, while he or she is providing services in the capacity of an employee
11 of any of the following entities:

12 a. A home health agency licensed under s. 50.49.

13 b. A personal care provider agency.

14 c. A company or agency providing supportive home care.

15 d. An independent living center, as defined in s. 46.96 (1) (ah).

16 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or
17 51.437.

18 2. A health care provider, as defined in s. 146.997 (1) (d), acting in his or her
19 professional capacity.

20 (f) "Qualified provider" means a provider who meets the qualifications for
21 payment through the Family Care Program under s. 46.286, the Program for
22 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
23 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
24 waiver program operated under a waiver from the secretary of the U.S. department
25 of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c)

1 and any qualification criteria established in the rules promulgated under sub. (7)
2 and who the authority determines is eligible for placement on the registry
3 maintained by the authority under s. 52.20 (1).

4 **(2) COUNTY PARTICIPATION.** (a) A county board of supervisors may require a
5 county department under 46.215, 46.22, 46.23, 51.42, or 51.437 to follow procedures
6 under this section and to pay providers in accordance with agreements under subch.
7 V of ch. 111.

8 (b) If a county acts under par. (a), it shall notify the department and the
9 authority of its action.

10 (c) A county that acts under par. (a) shall compensate providers in accordance
11 with any agreement under subch. V of ch. 111 and make any payroll deductions
12 authorized by such agreements.

13 **(4) DUTIES OF HOME CARE PAYORS.** Care management organizations, the state,
14 and counties, as described under sub. (1) (cm) 1. a. to d., that pay for the provision
15 of home care services to consumers shall provide to the authority the name, address,
16 telephone number, date of hire, and date of termination of any provider hired by an
17 individual receiving home care services.

18 **(5) DUTIES OF CONSUMERS.** A consumer shall do all of the following:

19 (a) Inform the authority of the name, address, telephone number, date of hire,
20 and date of termination of any provider hired by the consumer to provide home care
21 services.

22 (b) Compensate providers in accordance with any collective bargaining
23 agreement that applies to home care providers under subch. V of ch. 111 and make
24 any payroll deductions authorized by the agreement.

1 **(6) PROVIDERS.** (a) A qualified provider providing home care services under this
2 section shall be subject to the collective bargaining agreement that applies to home
3 care providers under subch. V of ch. 111.

4 (b) A qualified provider may choose to be placed on the registry maintained by
5 the authority under s. 52.20 (1).

6 **(7) DEPARTMENT RULE-MAKING.** The department may promulgate rules defining
7 terms, specifying which services constitute home care, establishing the qualification
8 criteria that apply under sub. (1) (d), and establishing procedures for
9 implementation of this section.

10 **SECTION 885.** 46.29 (1) (intro.) of the statutes is amended to read:

11 46.29 **(1)** (intro.) From the appropriation account under s. 20.435 ~~(6)~~ (7) (a), the
12 department shall ~~allocate~~ distribute at least \$16,100 in each fiscal year for operation
13 of the council on physical disabilities. The council on physical disabilities shall do
14 all of the following:

15 **SECTION 888.** 46.295 (1) of the statutes is amended to read:

16 46.295 **(1)** The department may, on the request of any hearing-impaired
17 person, city, village, town, or county or private agency, provide funds from the
18 appropriation accounts under s. 20.435 ~~(6)~~ (7) ~~(d)~~ and (hs) and (7) (d) to reimburse
19 interpreters for hearing-impaired persons for the provision of interpreter services.

20 **SECTION 889.** 46.40 (2m) (a) of the statutes is amended to read:

21 46.40 **(2m)** (a) *Prevention and treatment of substance abuse.* For prevention
22 and treatment of substance abuse under 42 USC 300x-21 to 300x-35, the
23 department shall distribute not more than \$13,975,500 in fiscal year 2009-10 and
24 \$9,735,700 in each fiscal year thereafter.

25 **SECTION 892.** 46.48 (1) of the statutes is amended to read:

1 46.48 (1) GENERAL. From the appropriation accounts under s. 20.435 (5) (bc)
2 and (7) (bc), the department shall ~~distribute~~ award grants for community programs
3 as provided in this section.

4 **SECTION 893.** 46.48 (9) of the statutes is repealed.

5 **SECTION 894.** 46.48 (9m) of the statutes is created to read:

6 46.48 (9m) QUALITY HOME CARE. The department shall award a grant to the
7 Wisconsin Quality Home Care Authority for the purpose of providing services to
8 recipients and providers of home care under s. 46.2898 and ch. 52 and may award
9 grants to counties to facilitate transition to procedures established under s. 46.2898.

10 **SECTION 895.** 46.48 (11m) of the statutes is repealed.

11 **SECTION 896.** 46.48 (30) (a) of the statutes is amended to read:

12 46.48 (30) (a) From the appropriation account under s. 20.435 (7) (bc), the
13 department shall distribute grants on a competitive basis to county departments of
14 social services and to private nonprofit organizations, as defined in s. 103.21 (2), for
15 the provision of alcohol and other drug abuse treatment services in counties with a
16 population of 500,000 or more. Grants distributed under this subsection may be used
17 only to provide treatment for alcohol and other drug abuse to individuals who are
18 eligible for federal temporary assistance for needy families under 42 USC 601 et. seq.
19 and who have a family income of not more than 200% of the poverty line, as defined
20 in s. 49.001 (5).

21 **SECTION 897.** 46.485 (2g) (intro.) of the statutes, as affected by 2009 Wisconsin
22 Act 2, is amended to read:

23 46.485 (2g) (intro.) From the appropriation account under s. 20.435 (4) (b), the
24 department may in each fiscal year transfer funds to the appropriation account
25 under s. 20.435 ~~(7) (kb)~~ (5) (kc) for distribution under this section and from the

1 appropriation account under s. 20.435 (7) (mb) the department may not distribute
2 more than \$1,330,500 in each fiscal year to applying counties in this state that meet
3 all of the following requirements, as determined by the department:

4 **SECTION 898.** 46.485 (3r) of the statutes is amended to read:

5 46.485 (3r) Funds from the appropriation account under s. 20.435 (7) ~~(kb)~~ (5)
6 ~~(kc)~~ that the department does not distribute to a county before 24 months after June
7 30 of the fiscal year in which the department allocated the funds to the county under
8 sub. (2g) lapse to the appropriation account under s. 20.435 (4) (b). A county may at
9 any time expend funds that the department distributes to the county, consistent with
10 the requirements under sub. (3m).

11 **SECTION 899.** 46.495 (1) (am) of the statutes is amended to read:

12 46.495 (1) (am) The department shall reimburse each county from the
13 appropriations under s. 20.435 (7) (b) and (o) for social services as approved by the
14 department under ss. 46.215 (1), (2) (c) 1., and (3) and 46.22 (1) (b) 1. d. and (e) 3. a.
15 except that no reimbursement may be made for the administration of or aid granted
16 under s. 49.02, 2009 stats.

17 **SECTION 900.** 46.56 (8) (L) of the statutes is amended to read:

18 46.56 (8) (L) In providing integrated services under this section, the service
19 coordination agency and the designated service providers shall include in the
20 integrated service plan all individuals who are active in the care of the child with
21 severe disabilities, including members of the child's family, foster parents, ~~treatment~~
22 ~~foster parents~~ and other individuals who by close and continued association with the
23 child have come to occupy significant roles in the care and treatment of the child with
24 severe disabilities.

25 **SECTION 901.** 46.56 (15) (a) of the statutes is amended to read:

1 46.56 (15) (a) From the appropriation account under s. 20.435 (7) (5) (co), the
2 department shall make available funds to implement programs under this section.
3 The funds may be used to pay for the intake, assessment, case planning and service
4 coordination provided under sub. (8) and for expanding the capacity of the county to
5 provide community-based care and treatment for children with severe disabilities.

6 **SECTION 902.** 46.56 (15) (b) 4. of the statutes is amended to read:

7 46.56 (15) (b) 4. Submit a description of the existing services in the county for
8 children with severe disabilities, an assessment of any gaps in services, and a plan
9 for using the funds under this program or from other funding sources to develop or
10 expand any needed community-based services such as in-home treatment,
11 ~~treatment foster care~~, day treatment, respite care, or crisis services.

12 **SECTION 903.** 46.70 of the statutes is amended to read:

13 **46.70 Delivery of services to American Indians.** To facilitate the delivery
14 of accessible, available and culturally appropriate social services and mental
15 hygiene services to American Indians by county departments under s. 46.215, 46.22,
16 51.42 or 51.437, the department may fund federally recognized tribal governing
17 bodies in this state from the appropriation account under s. 20.435 (7) (5) (kL).

18 **SECTION 904.** 46.71 (1) (intro.) of the statutes is amended to read:

19 46.71 (1) (intro.) From the appropriation account under s. 20.435 (7) (5) (km),
20 and department shall, for the development of new drug abuse prevention, treatment
21 and education programs that are culturally specific with respect to American
22 Indians or to supplement like existing programs, allocate a total of not more than
23 \$500,000 in each fiscal year to all the elected governing bodies of federally recognized
24 American Indian tribes or bands that submit to the department plans, approved by
25 the department, that do all of the following:

1 **SECTION 905.** 46.71 (2) of the statutes is amended to read:

2 46.71 (2) The amount of funds allocated by the department under sub. (1) may
3 not exceed the amounts appropriated under the appropriation account under s.
4 20.435 ~~(7)~~ (5) (km).

5 **SECTION 906.** 46.86 (6) (a) (intro.) of the statutes is amended to read:

6 46.86 (6) (a) (intro.) From the appropriation account under s. 20.435 (7) (md),
7 the department may award up to ~~\$1,369,000 in fiscal year 2001-02~~ and up to
8 ~~\$1,330,800 in fiscal year 2002-03~~ and in each fiscal year thereafter, and from the
9 appropriation account under s. 20.435 ~~(6)~~ (5) (gb), the department may award ~~not~~
10 ~~more than \$231,300 in fiscal year 2001-02~~ and not more than \$319,500 in fiscal year
11 ~~2002-03~~ and in each fiscal year thereafter, as grants to counties and private entities
12 to provide community-based alcohol and other drug abuse treatment programs that
13 do all of the following:

14 **SECTION 907.** 46.96 (1) (ap) of the statutes is amended to read:

15 46.96 (1) (ap) "Independent living services" has the meaning given under ~~29~~
16 ~~USC 706 (30)~~ 29 USC 705 (18).

17 **SECTION 908.** 46.96 (1) (at) of the statutes is amended to read:

18 46.96 (1) (at) "Individual with a disability" has the meaning given under ~~29~~
19 ~~USC 706 (8) (B)~~ 29 USC 705 (20).

20 **SECTION 909.** 46.972 (2) of the statutes is amended to read:

21 46.972 (2) From the appropriation account under s. 20.435 ~~(5)~~ (1) (ce), the
22 department shall ~~allocate~~ award up to \$125,000 in each fiscal year as grants to
23 applying public or nonprofit private entities for the costs of providing primary health
24 services and any other services that may be funded by the program under 42 USC
25 256 to homeless individuals. Entities that receive funds ~~allocated~~ awarded by the

1 department under this paragraph shall provide the primary health services as
2 required under 42 USC 256 (f). The department may allocate award to an applying
3 entity up to 100% of the amount of matching funds required under 42 USC 256 (e).

4 **SECTION 910.** 46.985 (1) (f) of the statutes is amended to read:

5 46.985 (1) (f) "Parent" means a parent, guardian, legal custodian, or a person
6 acting in the place of a parent, but does not include a foster parent, ~~treatment foster~~
7 ~~parent~~ or any other paid care provider.

8 **SECTION 912.** 46.99 of the statutes is created to read:

9 **46.99 Medical assistance waiver for Birth to 3 participants.** (1) In this
10 section, "medical assistance" means the program under subch. IV of ch. 49.

11 (2) The department shall request from the secretary of the U.S. department of
12 health and human services a waiver under 42 USC 1396n (c) that authorizes the
13 provision of home or community-based services under medical assistance to children
14 who are eligible for medical assistance and receive early intervention services under
15 s. 51.44.

16 (3) If the waiver requested under sub. (2) is granted, counties shall provide the
17 nonfederal share of costs for medical assistance services provided under the waiver.
18 Counties may use moneys appropriated under s. 20.435 (7) (bt) and distributed to
19 counties under s. 51.44 (3) (a) to provide the nonfederal share of medical assistance
20 costs.

21 (4) From the appropriation account under s. 20.435 (4) (o), the department
22 shall distribute to counties that provide services under this section the amount of
23 federal moneys received by the state as the federal share of medical assistance for
24 those services, minus the amount transferred to the appropriation account under s.
25 20.435 (7) (im) for the department's costs of administering this section. Counties

1 shall use moneys distributed under this section to provide services under this section
2 or s. 51.44.

3 **SECTION 913.** 48.01 (1) (gg) of the statutes is amended to read:

4 48.01 (1) (gg) To promote the adoption of children into safe and stable families
5 rather than allowing children to remain in the impermanence of foster ~~or treatment~~
6 foster care.

7 **SECTION 914.** 48.02 (6) of the statutes is amended to read:

8 48.02 (6) "Foster home" means any facility that is operated by a person
9 required to be licensed by s. 48.62 (1) ~~(a)~~ and that provides care and maintenance for
10 no more than 4 children or, if necessary to enable a sibling group to remain together,
11 for no more than 6 children or, if the department promulgates rules permitting a
12 different number of children, for the number of children permitted under those rules.

13 **SECTION 915.** 48.02 (17q) of the statutes is repealed.

14 **SECTION 916.** 48.195 (2) (d) 5. of the statutes is amended to read:

15 48.195 (2) (d) 5. The child's foster parent, ~~treatment foster parent,~~ or other
16 person having physical custody of the child.

17 **SECTION 917.** 48.207 (1) (c) of the statutes is amended to read:

18 48.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~
19 provided if the placement does not violate the conditions of the license.

20 **SECTION 918.** 48.207 (1) (f) of the statutes is amended to read:

21 48.207 (1) (f) The home of a person not a relative, if the placement does not
22 exceed 30 days, though the placement may be extended for an additional 30 days for
23 cause by the court, and if the person has not had a ~~foster home or treatment foster~~
24 home license under s. 48.62 refused, revoked, or suspended within the last 2 years.

25 **SECTION 919.** 48.207 (3) of the statutes is amended to read:

1 48.207 (3) A child taken into custody under s. 48.981 may be held in a hospital,
2 foster home, ~~treatment foster home~~, relative's home, or other appropriate medical or
3 child welfare facility ~~which~~ that is not used primarily for the detention of delinquent
4 children.

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

6 48.21 (3) (f) If present at the hearing, the parent shall be requested to provide
7 the names and other identifying information of 3 relatives of the child or family
8 friends 18 years of age or over whose homes the parent requests the court to consider
9 as placements for the child. If the parent does not provide this information at the
10 hearing, the county department or, in a county having a population of 500,000 or
11 more, the department shall make a reasonable effort to provide each parent with the
12 opportunity to provide this information.

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

14 48.21 (5) (d) 2. If a hearing is held under subd. 1., at least 10 days before the
15 date of the hearing the court shall notify the child, any parent, guardian, and legal
16 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
17 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
18 of the hearing.

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

20 48.21 (5) (d) 3. The court shall give a foster parent, ~~treatment foster parent~~, or
21 other physical custodian described in s. 48.62 (2) who is notified of a hearing under
22 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
23 ~~treatment foster parent~~, or other physical custodian to make a written or oral
24 statement during the hearing, or to submit a written statement prior to the hearing,
25 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~

1 foster parent, or other physical custodian who receives a notice of a hearing under
2 subd. 2. and an opportunity to be heard under this subdivision does not become a
3 party to the proceeding on which the hearing is held solely on the basis of receiving
4 that notice and opportunity to be heard.

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

6 48.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent,
7 great-grandparent, aunt, uncle, or sibling of a child, whether by blood, marriage, or
8 legal adoption, who has attained 18 years of age.

9 2. The court shall order the county department or, in a county having a
10 population of 500,000 or more, the department to conduct a diligent search in order
11 to locate and provide notice of the information specified in this subdivision to all
12 adult relatives of the child and to all other adult individuals whose homes are
13 requested by the child's parent under sub. (3) (f) to be considered as placement
14 options for the child within 30 days after the date of the hearing unless the child is
15 returned to his or her home within that period. The county department or
16 department may not provide that notice to an adult relative or other individual if the
17 county department or the department has reason to believe that it would be
18 dangerous to the child or to the parent if the child were placed with that adult relative
19 or other individual. The notice shall include all of the following:

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

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

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

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

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

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

12 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a
13 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
14 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
15 guardian, and legal custodian of the child, any foster parent, ~~treatment foster parent~~
16 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by
17 the unborn child's guardian ad litem, if applicable, and any person specified in par.
18 (b), (d), or (e), if applicable, of all hearings involving the child except hearings on
19 motions for which notice need only be provided to the child and his or her counsel.
20 When parents who are entitled to notice have the same place of residence, notice to
21 one shall constitute notice to the other. The first notice to any interested party, foster
22 parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2)
23 shall be written and may have a copy of the petition attached to it. Thereafter, notice
24 of hearings may be given by telephone at least 72 hours before the time of the

1 hearing. The person giving telephone notice shall place in the case file a signed
2 statement of the time notice was given and the person to whom he or she spoke.

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

4 48.27 (3) (a) 1m. The court shall give a foster parent, ~~treatment foster parent~~
5 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
6 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
7 ~~treatment foster parent~~ or other physical custodian to make a written or oral
8 statement during the hearing, or to submit a written statement prior to the hearing,
9 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
10 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
11 notice of a hearing under subd. 1. and an opportunity to be heard under this
12 subdivision does not become a party to the proceeding on which the hearing is held
13 solely on the basis of receiving that notice and opportunity to be heard.

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

15 48.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent, ~~treatment~~
16 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the
17 court of jurisdiction in the action or proceeding. If a foster parent, ~~treatment foster~~
18 ~~parent~~ or other physical custodian described in s. 48.62 (2) is not given notice of a
19 hearing under subd. 1., that person may request a rehearing on the matter during
20 the pendency of an order resulting from the hearing. If the request is made, the court
21 shall order a rehearing.

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

23 48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties
24 shall receive notice and appropriate summons shall be issued in a manner specified
25 by the court, consistent with applicable governing statutes. In addition, if the child

1 who is the subject of the proceeding is in the care of a foster parent, ~~treatment foster~~
2 ~~parent~~ or other physical custodian described in s. 48.62 (2), the court shall give the
3 foster parent, ~~treatment foster parent~~ or other physical custodian notice and an
4 opportunity to be heard as provided in sub. (3) (a).

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

6 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
7 a public hearing is not held, only the parties and their counsel or guardian ad litem,
8 the court-appointed special advocate for the child, the child's foster parent,
9 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2),
10 witnesses, and other persons requested by a party and approved by the court may
11 be present, except that the court may exclude a foster parent, ~~treatment foster parent~~
12 or other physical custodian described in s. 48.62 (2) from any portion of the hearing
13 if that portion of the hearing deals with sensitive personal information of the child
14 or the child's family or if the court determines that excluding the foster parent,
15 ~~treatment foster parent~~ or other physical custodian would be in the best interests of
16 the child. Except in a proceeding under s. 48.375 (7), any other person the court finds
17 to have a proper interest in the case or in the work of the court, including a member
18 of the bar, may be admitted by the court.

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

20 48.299 (1) (ar) All hearings under s. 48.375 (7) shall be held in chambers, unless
21 a public fact-finding hearing is demanded by the child through her counsel. In a
22 proceeding under s. 48.375 (7), the child's foster parent, ~~treatment foster parent~~ or
23 other physical custodian described in s. 48.62 (2) may be present if requested by a
24 party and approved by the court.

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

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

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

7 48.32 (1) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~, or
8 other physical custodian described in s. 48.62 (2) who is notified of a hearing under
9 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
10 ~~treatment foster parent~~, or other physical custodian to make a written or oral
11 statement during the hearing, or to submit a written statement prior to the hearing,
12 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
13 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
14 subd. 2. and an opportunity to be heard under this subdivision does not become a
15 party to the proceeding on which the hearing is held solely on the basis of receiving
16 that notice and opportunity to be heard.

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

18 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
19 placement of an adult expectant mother outside of her home shall be in writing. A
20 report recommending placement of a child in a foster home, ~~treatment foster home~~,
21 group home, or residential care center for children and youth, in the home of a
22 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall
23 be in writing and shall include all of the following:

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

1 48.33 (5) IDENTITY OF FOSTER PARENT OR ~~TREATMENT FOSTER PARENT;~~
2 CONFIDENTIALITY. If the report recommends placement in a foster home ~~or a treatment~~
3 ~~foster home~~, and the name of the foster parent ~~or treatment foster parent~~ is not
4 available at the time the report is filed, the agency shall provide the court and the
5 child's parent or guardian with the name and address of the foster parent ~~or~~
6 ~~treatment foster parent~~ within 21 days after the dispositional order is entered,
7 except that the court may order the information withheld from the child's parent or
8 guardian if the court finds that disclosure would result in imminent danger to the
9 child or to the foster parent ~~or treatment foster parent~~. After notifying the child's
10 parent or guardian, the court shall hold a hearing prior to ordering the information
11 withheld.

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

13 48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in
14 s. 48.38 (1) (a), is recommending placement of the child in a foster home, ~~treatment~~
15 ~~foster home~~, group home, or residential care center for children and youth or in the
16 home of a relative other than a parent, the agency shall present as evidence specific
17 information showing all of the following:

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

19 48.345 (3) (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62,
20 a group home licensed under s. 48.625, or in the home of a guardian under s. 48.977
21 (2).

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

23 48.355 (2) (b) 2. If the child is placed outside the home, the name of the place
24 or facility, including transitional placements, where the child ~~shall~~ will be cared for
25 or treated, except that if the placement is a foster home ~~or treatment foster home~~ and

1 ~~if~~ the name and address of the foster parent ~~or treatment foster parent~~ is not
2 available at the time of the order, the name and address of the foster parent ~~or~~
3 ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days
4 ~~of~~ after the order. If, after a hearing on the issue with due notice to the parent or
5 guardian, the judge finds that disclosure of the identity of the foster parent ~~or~~
6 ~~treatment foster parent~~ would result in imminent danger to the child, or the foster
7 parent ~~or the treatment foster parent~~, the judge may order the name and address of
8 the prospective foster parents ~~or treatment foster parents~~ to be withheld from the
9 parent or guardian.

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

11 48.355 **(2d)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the
12 date of the hearing the court shall notify the child, any parent, guardian, and legal
13 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
14 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
15 of the hearing.

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

17 48.355 **(2d)** (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
18 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
19 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
20 ~~treatment foster parent~~, or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
23 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
24 subd. 2. and an opportunity to be heard under this subdivision does not become a

1 party to the proceeding on which the hearing is held solely on the basis of receiving
2 that notice and opportunity to be heard.

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

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

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

23 48.357 (1) (am) 1. If the proposed change in placement involves any change in
24 placement other than a change in placement specified in par. (c), the person or agency
25 primarily responsible for implementing the dispositional order, the district attorney,

1 or the corporation counsel shall cause written notice of the proposed change in
2 placement to be sent to the child, the parent, guardian, and legal custodian of the
3 child, any foster parent, ~~treatment foster parent~~, or other physical custodian
4 described in s. 48.62 (2) of the child, the child's court-appointed special advocate,
5 and, if the child is the expectant mother of an unborn child under s. 48.133, the
6 unborn child by the unborn child's guardian ad litem. If the expectant mother is an
7 adult, written notice shall be sent to the adult expectant mother and the unborn child
8 by the unborn child's guardian ad litem. The notice shall contain the name and
9 address of the new placement, the reasons for the change in placement, a statement
10 describing why the new placement is preferable to the present placement, and a
11 statement of how the new placement satisfies objectives of the treatment plan
12 ordered by the court.

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

14 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
15 any change in placement requested or proposed under par. (a) if the request states
16 that new information is available that affects the advisability of the current
17 placement, unless the requested or proposed change in placement involves any
18 change in placement other than a change in placement of a child placed in the home
19 to a placement outside the home and written waivers of objection to the proposed
20 change in placement are signed by all persons entitled to receive notice under sub.
21 (1) (am) 1., other than a court-appointed special advocate, and the court approves.
22 If a hearing is scheduled, the court shall notify the child, the parent, guardian, and
23 legal custodian of the child, any foster parent, ~~treatment foster parent~~, or other
24 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
25 special advocate, all parties who are bound by the dispositional order, and, if the child

1 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
2 unborn child's guardian ad litem, or shall notify the adult expectant mother, the
3 unborn child by the unborn child's guardian ad litem, and all parties who are bound
4 by the dispositional order, at least 3 days prior to the hearing. A copy of the request
5 or proposal for the change in placement shall be attached to the notice. If all of the
6 parties consent, the court may proceed immediately with the hearing.

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

8 48.357 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
9 in placement would remove a child from a foster home, ~~treatment foster home~~, or
10 other placement with a physical custodian described in s. 48.62 (2), the court shall
11 give the foster parent, ~~treatment foster parent~~, or other physical custodian described
12 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
13 parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral
14 statement during the hearing or to submit a written statement prior to the hearing
15 relating to the child and the requested change in placement. A foster parent,
16 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who
17 receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to
18 be heard under this subsection does not become a party to the proceeding on which
19 the hearing is held solely on the basis of receiving that notice and opportunity to be
20 heard.

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

22 48.357 (2v) (c) 2. If a hearing is held under subd. 1., at least 10 days before the
23 date of the hearing the court shall notify the child, any parent, guardian, and legal
24 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other

1 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
2 of the hearing.

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

4 48.357 (2v) (c) 3. The court shall give a foster parent, ~~treatment foster parent,~~
5 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
6 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
7 ~~treatment foster parent,~~ or other physical custodian to make a written or oral
8 statement during the hearing, or to submit a written statement prior to the hearing,
9 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
10 ~~foster parent,~~ or other physical custodian who receives a notice of a hearing under
11 subd. 2. and an opportunity to be heard under this subdivision does not become a
12 party to the proceeding on which the hearing is held solely on the basis of receiving
13 that notice and opportunity to be heard.

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

15 48.363 (1) (b) If a hearing is held, the court shall notify the child, the child's
16 parent, guardian, and legal custodian, all parties bound by the dispositional order,
17 the child's foster parent, ~~treatment foster parent~~ or other physical custodian
18 described in s. 48.62 (2), the child's court-appointed special advocate, the district
19 attorney or corporation counsel in the county in which the dispositional order was
20 entered, and, if the child is the expectant mother of an unborn child under s. 48.133,
21 the unborn child by the unborn child's guardian ad litem; or shall notify the adult
22 expectant mother, the unborn child through the unborn child's guardian ad litem, all
23 parties bound by the dispositional order and the district attorney or corporation
24 counsel in the county in which the dispositional order was entered, at least 3 days
25 prior to the hearing. A copy of the request or proposal shall be attached to the notice.

1 If all parties consent, the court may proceed immediately with the hearing. No
2 revision may extend the effective period of the original order.

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

4 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
5 evidence relevant to the issue of revision of the dispositional order. In addition, the
6 court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian
7 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
8 permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to
9 make a written or oral statement during the hearing, or to submit a written
10 statement prior to the hearing, relevant to the issue of revision. A foster parent,
11 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who
12 receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under
13 this subsection does not become a party to the proceeding on which the hearing is
14 held solely on the basis of receiving that notice and opportunity to be heard.

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

16 48.365 (2) No order may be extended without a hearing. The court shall notify
17 the child, the child's parent, guardian, and legal custodian, all the parties present at
18 the original hearing, the child's foster parent, ~~treatment foster parent~~ or other
19 physical custodian described in s. 48.62 (2), the child's court-appointed special
20 advocate, the district attorney or corporation counsel in the county in which the
21 dispositional order was entered and, if the child is an expectant mother of an unborn
22 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or
23 shall notify the adult expectant mother, the unborn child through the unborn child's
24 guardian ad litem, all the parties present at the original hearing, and the district

1 attorney or corporation counsel in the county in which the dispositional order was
2 entered, of the time and place of the hearing.

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

4 48.365 (2m) (ad) 2. If a hearing is held under subd. 1., at least 10 days before
5 the date of the hearing the court shall notify the child, any parent, guardian, and
6 legal custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
7 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
8 of the hearing.

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

10 48.365 (2m) (ag) The court shall give a foster parent, ~~treatment foster parent~~,
11 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
12 par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the
13 foster parent, ~~treatment foster parent~~, or other physical custodian to make a written
14 or oral statement during the hearing, or to submit a written statement prior to the
15 hearing, relevant to the issue of extension. A foster parent, ~~treatment foster parent~~,
16 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing
17 under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph
18 does not become a party to the proceeding on which the hearing is held solely on the
19 basis of receiving that notice and opportunity to be heard.

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

21 48.371 (1) (intro.) If a child is placed in a foster home, ~~treatment foster home~~,
22 group home, or residential care center for children and youth or in the home of a
23 relative other than a parent, including a placement under s. 48.205 or 48.21, the
24 agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the
25 placement of the child shall provide the following information to the foster parent,

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

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

7 48.371 (1) (a) Results of a test or a series of tests of the child to determine the
8 presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of
9 HIV, or an antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results
10 included in a court report or permanency plan. At the time that the test results are
11 provided, the agency shall notify the foster parent, ~~treatment foster parent~~, relative,
12 or operator of the group home or residential care center for children and youth of the
13 confidentiality requirements under s. 252.15 (6).

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

15 48.371 (3) (intro.) At the time of placement of a child in a foster home, ~~treatment~~
16 ~~foster home~~, group home, or residential care center for children and youth or in the
17 home of a relative other than a parent or, if the information is not available at that
18 time, as soon as possible after the date on which the court report or permanency plan
19 has been submitted, but no later than 7 days after that date, the agency, as defined
20 in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide
21 to the foster parent, ~~treatment foster parent~~, relative, or operator of the group home
22 or residential care center for children and youth information contained in the court
23 report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4)
24 (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c),
25 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or

1 agency that prepared the court report or permanency plan relating to any of the
2 following:

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

4 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,
5 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or
6 948.085, prostitution in violation of s. 944.30, trafficking in violation of s. 940.302 (2)
7 if s. 940.302 (2) (a). 1. b. applies, sexual exploitation of a child in violation of s. 948.05,
8 trafficking of a child in violation of s. 948.051, or causing a child to view or listen to
9 sexual activity in violation of s. 948.055, if the information is necessary for the care
10 of the child or for the protection of any person living in the foster home, ~~treatment~~
11 ~~foster home~~, group home, or residential care center for children and youth or in the
12 home of the relative.

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

14 48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, ~~treatment~~
15 ~~foster parent~~, relative, or operator of a group home or residential care center for
16 children and youth that receives any information under sub. (1) or (3), other than the
17 information described in sub. (3) (e), shall keep the information confidential and may
18 disclose that information only for the purposes of providing care for the child or
19 participating in a court hearing or permanency plan review concerning the child.

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

21 48.375 (4) (a) 1. The person or the person's agent has, either directly or through
22 a referring physician or his or her agent, received and made part of the minor's
23 medical record, under the requirements of s. 253.10, the voluntary and informed
24 written consent of the minor and the voluntary and informed written consent of one
25 of her parents; or of the minor's guardian or legal custodian, if one has been