

1 appointed; or of an adult family member of the minor; or of one of the minor's foster
2 parents ~~or treatment foster parents~~, if the minor has been placed in a foster home
3 ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the
4 department, a county department, or the foster parent ~~or the treatment foster parent~~
5 the authority to consent to medical services or treatment on behalf of the minor.

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

7 48.375 (4) (b) 1m. A physician who specializes in psychiatry or a licensed
8 psychologist, as defined in s. 455.01 (4), states in writing that the physician or
9 psychologist believes, to the best of his or her professional judgment based on the
10 facts of the case before him or her, that the minor is likely to commit suicide rather
11 than file a petition under s. 48.257 or approach her parent, or guardian or legal
12 custodian, if one has been appointed, or an adult family member of the minor, or one
13 of the minor's foster parents ~~or treatment foster parents~~, if the minor has been placed
14 in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver
15 granting the department, a county department, or the foster parent ~~or the treatment~~
16 ~~foster parent~~ the authority to consent to medical services or treatment on behalf of
17 the minor, for consent.

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

19 48.375 (4) (b) 3. The minor provides the person who intends to perform or
20 induce the abortion with a written statement, signed and dated by the minor, that
21 a parent who has legal custody of the minor, or the minor's guardian or legal
22 custodian, if one has been appointed, or an adult family member of the minor, or a
23 foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home
24 ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the
25 department, a county department, or the foster parent ~~or the treatment foster parent~~

1 the authority to consent to medical services or treatment on behalf of the minor, has
2 inflicted abuse on the minor. The person who intends to perform or induce the
3 abortion shall place the statement in the minor's medical record. The person who
4 intends to perform or induce the abortion shall report the abuse as required under
5 s. 48.981 (2).

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

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

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

16 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
17 for each child living in a foster home, ~~treatment foster home~~, group home, residential
18 care center for children and youth, juvenile detention facility, or shelter care facility,
19 the agency that placed the child or arranged the placement or the agency assigned
20 primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.
21 shall prepare a written permanency plan, if any of the following conditions exists,
22 and, for each child living in the home of a relative other than a parent, that agency
23 shall prepare a written permanency plan, if any of the conditions specified in pars.
24 (a) to (e) exists:

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

1 48.38 (2) (g) The child's parent is placed in a foster home, ~~treatment foster~~
2 ~~home~~, group home, residential care center for children and youth, juvenile detention
3 facility, or shelter care facility and the child is residing with that parent.

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

5 48.38 (4) (bm) A statement as to the availability of a safe and appropriate
6 placement with a fit and willing relative of the child and, if of what efforts were made
7 to comply with an order under s. 48.21 (5) (e) requiring notification of all adult
8 relatives of the child and all other adult individuals whose homes have been
9 requested by the child's parent to be considered as potential placements for the child
10 and to notify all other adult individuals whose homes have been requested by the
11 child to be considered as potential placements for the child. If a decision is made not
12 to place the child with an available relative, or individual identified by the child's
13 parent or the child, the permanency plan shall include a statement as to why
14 placement with the relative, or other individual is not safe or appropriate.

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

16 48.38 (4) (d) (intro.) If the child is living more than 60 miles from his or her
17 home, documentation that placement within 60 miles of the child's home is either
18 unavailable or inappropriate or documentation that placement more than 60 miles
19 from the child's home is in the child's best interests. The placement of a child in a
20 licensed foster home ~~or a licensed treatment foster home~~ more than 60 miles from the
21 child's home is presumed to be in the best interests of the child if documentation is
22 provided which shows all of the following:

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

24 48.38 (4) (f) (intro.) A description of the services that will be provided to the
25 child, the child's family, and the child's foster parent, ~~the child's treatment foster~~

1 ~~parent~~, the operator of the facility where the child is living, or the relative with whom
2 the child is living to carry out the dispositional order, including services planned to
3 accomplish all of the following:

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

5 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
6 child, if he or she is 12 years of age or older, and the child's foster parent, ~~the child's~~
7 ~~treatment foster parent~~, the operator of the facility in which the child is living, or the
8 relative with whom the child is living of the date, time, and place of the review, of the
9 issues to be determined as part of the review, and of the fact that they may have an
10 opportunity to be heard at the review by submitting written comments not less than
11 10 working days before the review or by participating at the review. The court or
12 agency shall notify the person representing the interests of the public, the child's
13 counsel, the child's guardian ad litem, and the child's court-appointed special
14 advocate of the date of the review, of the issues to be determined as part of the review,
15 and of the fact that they may submit written comments not less than 10 working days
16 before the review. The notices under this paragraph shall be provided in writing not
17 less than 30 days before the review and copies of the notices shall be filed in the child's
18 case record.

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

20 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
21 the determinations under par. (c) and shall provide a copy to the court that entered
22 the order, the child or the child's counsel or guardian ad litem, the person
23 representing the interests of the public, the child's parent or guardian, the child's
24 court-appointed special advocate and the child's foster parent, ~~the child's treatment~~
25 ~~foster parent~~ or the operator of the facility where the child is living.

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

2 48.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court
3 shall notify the child; the child's parent, guardian, and legal custodian; the child's
4 foster parent ~~or treatment foster parent~~, the operator of the facility in which the child
5 is living, or the relative with whom the child is living; the child's counsel, the child's
6 guardian ad litem, and the child's court-appointed special advocate; the agency that
7 prepared the permanency plan; and the person representing the interests of the
8 public of the date, time, and place of the hearing.

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

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

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

20 48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact
21 and conclusions of law relating to the determinations under sub. (5) (c) and shall
22 provide a copy of those findings of fact and conclusions of law to the child; the child's
23 parent, guardian, and legal custodian; the child's foster parent ~~or treatment foster~~
24 ~~parent~~, the operator of the facility in which the child is living, or the relative with
25 whom the child is living; the child's court-appointed special advocate; the agency

1 that prepared the permanency plan; and the person representing the interests of the
2 public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case
3 basis based on circumstances specific to the child and shall document or reference
4 the specific information on which those findings are based in the findings of fact and
5 conclusions of law prepared under this paragraph. Findings of fact and conclusions
6 of law that merely reference sub. (5) (c) 7. without documenting or referencing that
7 specific information in the findings of fact and conclusions of law or amended
8 findings of fact and conclusions of law that retroactively correct earlier findings of
9 fact and conclusions of law that do not comply with this paragraph are not sufficient
10 to comply with this paragraph.

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

12 48.42 (2) (d) Any other person to whom notice is required to be given by ch. 822,
13 excluding foster parents and ~~treatment foster parents~~ who shall be provided notice
14 as required under sub. (2g).

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

16 48.42 (2g) (a) In addition to causing the summons and petition to be served as
17 required under sub. (2), the petitioner shall also notify any foster parent, ~~treatment~~
18 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) of the child of all
19 hearings on the petition. The first notice to any foster parent, ~~treatment foster~~
20 ~~parent~~ or other physical custodian described in s. 48.62 (2) shall be written, shall
21 have a copy of the petition attached to it, shall state the nature, location, date, and
22 time of the initial hearing and shall be mailed to the last-known address of the foster
23 parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2).
24 Thereafter, notice of hearings may be given by telephone at least 72 hours before the
25 time of the hearing. The person giving telephone notice shall place in the case file

1 a signed statement of the time notice was given and the person to whom he or she
2 spoke.

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

4 48.42 (2g) (am) 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 par. (a) 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 par. (a) and an opportunity to be heard under this
12 paragraph 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 970.** 48.42 (2g) (b) of the statutes is amended to read:

15 48.42 (2g) (b) Failure to give notice under par. (a) 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 proceeding. If a foster parent, ~~treatment foster parent~~ or
18 other physical custodian described in s. 48.62 (2) is not given notice of a hearing
19 under par. (a), that person may request a rehearing on the matter at any time prior
20 to the entry of an order under s. 48.427 (2) or (3). If the request is made, the court
21 shall order a rehearing.

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

23 48.422 (9) (b) If a birth parent does not comply with par. (a), the court shall
24 order any health care provider, as defined under s. 146.81 (1) (a) to (p), known to have
25 provided care to the birth parent or parents to provide the court with any health care

1 records of the birth parent or parents that are relevant to the child's medical
2 condition or genetic history. A court order for the release of alcohol or drug abuse
3 treatment records subject to 21 USC 1175 or 42 USC 4582 shall comply with 42 CFR
4 2.

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

6 48.427 (1m) In addition to any evidence presented under sub. (1), the court
7 shall give the foster parent, ~~treatment foster parent~~ or other physical custodian
8 described in s. 48.62 (2) of the child an opportunity to be heard at the dispositional
9 hearing by permitting the foster parent, ~~treatment foster parent~~ or other physical
10 custodian to make a written or oral statement during the dispositional hearing, or
11 to submit a written statement prior to disposition, relevant to the issue of disposition.
12 A foster parent, ~~treatment foster parent~~ or other physical custodian described in s.
13 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and an opportunity
14 to be heard under this subsection does not become a party to the proceeding on which
15 the hearing is held solely on the basis of receiving that notice and opportunity to be
16 heard.

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

18 48.427 (3m) (a) 5. A relative with whom the child resides, if the relative has
19 filed a petition to adopt the child or if the relative is ^{extra space?} a kinship care relative or is
20 receiving payments under s. 48.62 (4) for providing care and maintenance for the
21 child.

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

23 48.427 (3m) (am) Transfer guardianship and custody of the child to a county
24 department authorized to accept guardianship under s. 48.57 (1) (hm) for placement
25 of the child for adoption by the child's foster parent ~~or treatment foster parent~~, if the

1 county department has agreed to accept guardianship and custody of the child and
2 the foster parent ~~or treatment foster parent~~ has agreed to adopt the child.

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

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

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

15 48.428 (2) (b) When a court places a child in sustaining care after an order
16 under s. 48.427 (4) with a person who has been appointed as the guardian of the child
17 under s. 48.977 (2), the court may transfer legal custody of the child to the county
18 department, the department, in a county having a population of 500,000 or more, or
19 a licensed child welfare agency, transfer guardianship of the child to an agency listed
20 in s. 48.427 (3m) (a) 1. to 4. or (am) and place the child in the home of a licensed foster
21 parent, ~~licensed treatment foster parent,~~ or kinship care relative [✓] with whom the
22 child has resided for 6 months or longer. Pursuant to ~~such a~~ the placement, that
23 licensed foster parent, ~~licensed treatment foster parent,~~ or kinship care relative [✓]
24 be a sustaining parent with the powers and duties specified in sub. (3). If the court

1 transfers guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4.
2 or (am), the court shall terminate the guardianship under s. 48.977.

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

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

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

15 **48.43 (5) (b)** The court shall hold a hearing to review the permanency plan
16 within 30 days after receiving a report under par. (a). At least 10 days before the date
17 of the hearing, the court shall provide notice of the time, date, and purpose of the
18 hearing to the agency that prepared the report, the child's guardian, the child, if he
19 or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent~~,
20 other physical custodian described in s. 48.62 (2), or the operator of the facility in
21 which the child is living.

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

23 **48.43 (5m)** Either the court or the agency that prepared the permanency plan
24 shall furnish a copy of the original plan and each revised plan to the child, if he or

*stricken word?
if so, delete*

1 she is 12 years of age or over, and to the child's foster parent, ~~the child's treatment~~
2 ~~foster parent~~ or the operator of the facility in which the child is living.

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

4 48.47 (40) FOSTER CARE PUBLIC INFORMATION. Conduct a foster care public
5 information campaign.

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

7 48.48 (8p) To reimburse tribes and county departments, from the
8 appropriation under s. 20.437 (1) (kz), for unexpected or unusually high-cost
9 out-of-home care placements of Indian children by tribal courts. In this subsection,
10 "unusually high-cost out-of-home care placements" means the amount by which the
11 cost to a tribe or to a county department of out-of-home care placements of Indian
12 children by tribal courts exceeds \$50,000 in a fiscal year. ✓

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

14 48.48 (9) To license foster homes ~~or treatment foster homes~~ as provided in s.
15 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
16 requested to do so, for the use of county departments.

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

18 48.48 (17) (a) 3. Provide appropriate protection and services for children and
19 the expectant mothers of unborn children in its care, including providing services for
20 those children and their families and for those expectant mothers in their own
21 homes, placing the children in licensed foster homes, ~~treatment foster homes~~, or
22 group homes in this state or another state within a reasonable proximity to the
23 agency with legal custody, placing the children in the homes of guardians under s.
24 48.977 (2), or contracting for services for those children by licensed child welfare
25 agencies, except that the department may not purchase the educational component

1 of private day treatment programs unless the department, the school board, as
2 defined in s. 115.001 (7), and the state superintendent of public instruction all
3 determine that an appropriate public education program is not available. Disputes
4 between the department and the school district shall be resolved by the state
5 superintendent of public instruction.

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

7 48.48 (17) (a) 8. License foster homes ~~or treatment foster homes~~ in accordance
8 with s. 48.75.

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

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

11 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,
12 or residential care center for children and youth, ~~or subsidized guardianship home~~
13 ~~under s. 48.62 (5).~~

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

16 48.48 (17) (c) 4. Is living in a foster home, ~~treatment foster home~~, group home,
17 residential care center for children and youth.

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

19 48.481 (1) (a) The department shall distribute \$497,200 in each fiscal year to
20 counties for the purpose of supplementing payments for the care of an individual who
21 attains age 18 after 1986 and who resided in a ~~foster home or a treatment foster home~~
22 licensed under s. 48.62 for at least 2 years immediately prior to attaining age 18 and,
23 for at least 2 years, received ~~exceptional foster care or treatment foster care~~
24 payments for exceptional circumstances in order to avoid institutionalization, as
25 provided under rules promulgated by the department, so that the individual may live

1 in a family home or other noninstitutional situation after attaining age 18. No
2 county may use funds provided under this paragraph to replace funds previously
3 used by the county for this purpose.

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

5 48.52 (1) (a) Receiving homes to be used for the temporary care of children;

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

7 48.52 (1) (b) Foster homes ~~or treatment foster homes~~;

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

9 48.52 (1) (c) Group homes; ~~and~~.

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

11 48.545 (2) (a) (intro.) From the appropriations under s. 20.437 (1) (eg) and (nL),
12 the department shall distribute ~~\$2,215,200~~ \$2,097,700 in each fiscal year to applying
13 nonprofit corporations and public agencies operating in a county having a population
14 of 500,000 or more ~~and \$1,199,300~~, \$1,171,800 ✓ in each fiscal year to applying county
15 departments under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than
16 a county having a population of 500,000 or more, ~~and \$55,000~~ in each fiscal year to
17 the Diverse and Resilient, Inc. to provide programs to accomplish all of the following:

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

19 48.563 (2) BASIC COUNTY ALLOCATION. For children and family services under
20 s. 48.569 (1) (d), the department shall distribute not more than ~~\$67,452,000~~ in each
21 \$51,577,400 in fiscal year 2009-10 and not more than \$63,264,700 in fiscal year
22 2010-11 and in each fiscal year thereafter.

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

24 48.569 (1) (d) From the appropriations under s. 20.437 (1) (b) and (o), the
25 department shall distribute the funding for children and family services, including

1 funding for foster care, ~~treatment foster care~~, or subsidized guardianship care of a
2 child on whose behalf aid is received under s. 48.645 to county departments as
3 provided under s. 48.563. County matching funds are required for the distribution
4 under s. 48.563 (2). Each county's required match for the distribution under s. 48.563
5 (2) shall be specified in a schedule established annually by the department.
6 Matching funds may be from county tax levies, federal and state revenue sharing
7 funds, or private donations to the county that meet the requirements specified in sub.
8 (1m). Private donations may not exceed 25 percent of the total county match. If the
9 county match is less than the amount required to generate the full amount of state
10 and federal funds distributed for this period, the decrease in the amount of state and
11 federal funds equals the difference between the required and the actual amount of
12 county matching funds.

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

14 48.57 (1) (c) To provide appropriate protection and services for children and the
15 expectant mothers of unborn children in its care, including providing services for
16 those children and their families and for those expectant mothers in their own
17 homes, placing those children in licensed foster homes, ~~treatment foster homes~~, or
18 group homes in this state or another state within a reasonable proximity to the
19 agency with legal custody, placing those children in the homes of guardians under
20 s. 48.977 (2), or contracting for services for those children by licensed child welfare
21 agencies, except that the county department may not purchase the educational
22 component of private day treatment programs unless the county department, the
23 school board, as defined in s. 115.001 (7), and the state superintendent of public
24 instruction all determine that an appropriate public education program is not

1 available. Disputes between the county department and the school district shall be
2 resolved by the state superintendent of public instruction.

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

4 48.57 (1) (hm) If a county department in a county with a population of less than
5 500,000, to accept guardianship, when appointed by the court, of a child whom the
6 county department has placed in a foster home ~~or treatment foster home~~ under a
7 court order or voluntary agreement under s. 48.63 and to place that child under its
8 guardianship for adoption by the foster parent ~~or treatment foster parent~~.

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

10 48.57 (1) (i) To license foster homes ~~or treatment foster homes~~ in accordance
11 with s. 48.75.

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

13 48.57 (3) (a) 4. Is living in a foster home, ~~treatment foster home~~, group home,
14 residential care center for children and youth, or subsidized guardianship home
15 under s. 48.62 (5).

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

17 48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 ~~(1) (ke)~~ (2)
18 (md), the department shall reimburse counties having populations of less than
19 500,000 for payments made under this subsection and shall make payments under
20 this subsection in a county having a population of 500,000 or more. A county
21 department and, in a county having a population of 500,000 or more, the department
22 shall make payments in the amount of \$215 per month to a kinship care relative who
23 is providing care and maintenance for a child if all of the following conditions are met:

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

1 48.57 (3m) (b) 2. When any kinship care relative of a child applies for or
2 receives payments under this subsection, any right of the child or the child's parent
3 to support or maintenance from any other person, ~~including any right to unpaid~~
4 ~~amounts accrued at the time of application and any right to amounts accruing during~~
5 the time that payments are made under this subsection, is assigned to the state. If
6 a child who is the beneficiary of a payment under this subsection is also the
7 beneficiary of support under a judgment or order that includes support for one or
8 more children who are not the beneficiaries of payments under this subsection, any
9 support payment made under the judgment or order is assigned to the state in the
10 amount that is the proportionate share of the child who is the beneficiary of the
11 payment made under this subsection, except as otherwise ordered by the court on the
12 motion of a party.

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

14 48.57 (3n) (am) (intro.) From the appropriation under s. 20.437 (1) ~~(ke)~~ (2) (md),
15 the department shall reimburse counties having populations of less than 500,000 for
16 payments made under this subsection and shall make payments under this
17 subsection in a county having a population of 500,000 or more. A county department
18 and, in a county having a population of 500,000 or more, the department shall make
19 monthly payments for each child in the amount specified in sub. (3m) (am) (intro.)
20 to a long-term kinship care relative who is providing care and maintenance for that
21 child if all of the following conditions are met:

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

23 48.57 (3n) (b) 2. When any long-term kinship care relative of a child applies
24 for or receives payments under this subsection, any right of the child or the child's
25 parent to support or maintenance from any other person, ~~including any right to~~

1 ~~unpaid amounts accrued at the time of application and any right to amounts accruing~~
2 during the time that payments are made under this subsection, is assigned to the
3 state. If a child is the beneficiary of support under a judgment or order that includes
4 support for one or more children who are not the beneficiaries of payments under this
5 subsection, any support payment made under the judgment or order is assigned to
6 the state in the amount that is the proportionate share of the child who is the
7 beneficiary of the payment made under this subsection, except as otherwise ordered
8 by the court on the motion of a party.

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

10 48.60 (2) (e) A licensed foster home ~~or a licensed treatment foster home.~~

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

12 48.61 (3) To provide appropriate care and training for children in its legal or
13 physical custody and, if licensed to do so, to place children in licensed foster homes,
14 ~~licensed treatment foster homes,~~ and licensed group homes and in the homes of
15 guardians under s. 48.977 (2).

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

17 48.61 (7) To license foster homes ~~or treatment foster homes~~ in accordance with
18 s. 48.75 if licensed to do so.

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

20 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to
21 a child welfare agency that places children in licensed foster homes, ~~licensed~~
22 ~~treatment foster homes,~~ and licensed group homes, and in the homes of guardians
23 under s. 48.977 (2), the child welfare agency must pay to the department a biennial
24 fee of \$254.10.

1 ~~home~~ to a relative who has no duty of support under s. 49.90 (1) (a) and who requests
2 a license to operate a foster home ~~or treatment foster home~~ for a specific child who
3 is either placed by court order or who is the subject of a voluntary placement
4 agreement under s. 48.63. The department, a county department, or a licensed child
5 welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978,
6 ch. 54, or ch. 880, 2003 stats., license the guardian's home as a foster home ~~or~~
7 ~~treatment foster home~~ for the guardian's minor ward who is living in the home and
8 who is placed in the home by court order. Relatives with no duty of support and
9 guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., who
10 are licensed to operate foster homes ~~or treatment foster homes~~ are subject to the
11 department's licensing rules.

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

13 48.62 (3) When the department, a county department, or a child welfare agency
14 issues a license to operate a foster home ~~or a treatment foster home~~, the department,
15 county department, or child welfare agency shall notify the clerk of the school district
16 in which the foster home ~~or treatment foster home~~ is located that a foster home ~~or~~
17 ~~treatment foster home~~ has been licensed in the school district.

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

19 48.62 (4) Monthly payments in foster care shall be provided according to the
20 age-related rates specified in this subsection. Beginning on January 1, 2008 2010,
21 the age-related rates are ~~\$333~~ \$215 for care and maintenance provided by a relative
22 of a child of any age and, for care and maintenance provided by a nonrelative, \$349
23 for a child under 5 years of age; ~~\$363~~ \$381 for a child 5 to 11 years of age; ~~\$414~~ \$433
24 for a child 12 to 14 years of age; and ~~\$432~~ \$452 for a child 15 years of age or over.
25 Beginning on January 1, 2009 2011, the age-related rates are ~~\$349~~ \$220 for care and

1 maintenance provided by a relative of a child of any age and, for care and
2 maintenance provided by a nonrelative, \$366 for a child under 5 years of age; \$381
3 \$400 for a child 5 to 11 years of age; \$433 \$455 for a child 12 to 14 years of age; and
4 \$452 \$475 for a child 15 years of age or over. In addition to these grants for basic
5 maintenance, the department shall make supplemental payments for special needs,
6 exceptional circumstances, care in a treatment foster home, and initial clothing
7 allowances foster care to a foster home that is receiving an age-related rate under
8 this subsection[✓] that are commensurate with the level of care that the foster home is
9 licensed to provide and the needs of the child who is placed in the foster home
10 according to the rules promulgated by the department under sub. (8) (c).

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

12 48.62 (5) (a) (intro.) Subject to par. (d), a county department or, in a county
13 having a population of 500,000 or more, the department shall provide monthly
14 subsidized guardianship payments in the amount specified in par. (e) to a guardian
15 of a child under s. 48.977 (2) or under a substantially similar tribal law or law of
16 another state who was licensed as the child's foster parent ~~or treatment foster parent~~
17 before the guardianship appointment and who has entered into a subsidized
18 guardianship agreement with the county department or department if the guardian
19 meets the conditions specified in par. (c) 1. and 2. and if the child meets any of the
20 following conditions:

21 **SECTION 1017.**[✓] 48.62 (5) (d) of the statutes is amended to read:

22 48.62 (5) (d) The department shall request from the secretary of the federal
23 department of health and human services a waiver of the requirements under 42
24 USC 670 to 679a that would authorize the state to receive federal foster care and
25 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of

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

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

13 48.62 (5) (d) The department shall request from the secretary of the federal
14 department of health and human services a waiver of the requirements under 42
15 USC 670 to 679a that would authorize the state to receive federal foster care and
16 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of
17 providing care for a child who is in the care of a guardian who was licensed as the
18 child's foster parent ~~or treatment foster parent~~ before the guardianship appointment
19 and who has entered into a subsidized guardianship agreement with the county
20 department or department. If the waiver is approved for a county having a
21 population of 500,000 or more, the department shall provide the monthly payments
22 under par. (a) from the appropriations under s. 20.437 (1) (dd) and (pd). If the waiver
23 is approved for any other county, the department shall determine which counties are
24 authorized to provide monthly payments under par. (a) or (b), and the county

1 departments of those counties shall provide those payments from moneys received
2 under s. 48.569 (1) (d).

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

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

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

13 48.62 (7) In each federal fiscal year, the department shall ensure that there are
14 no more than 2,200 children in foster care ~~and treatment foster care~~ placements for
15 more than 24 months, consistent with the best interests of each child. Services
16 provided in connection with this requirement shall comply with the requirements
17 under P.L. 96-272.

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

19 48.62 (8) The department shall promulgate rules relating to foster homes as
20 follows:

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

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

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

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

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

22 **SECTION 1022b.**[✓] 48.62 (9) of the statutes is created to read:

23 48.62 (9) As soon as the department is ready to implement the rules
24 promulgated under sub. (8), the secretary shall send a notice to the legislative
25 reference bureau for publication in the Wisconsin Administrative Register that

1 states the date on which the provisions of 2009 Wisconsin Act (this act), relating
2 to foster care levels of care will become effective.

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

4 48.625 (3) This section does not apply to a foster home licensed under s. 48.62
5 (1) ~~(a) or to a treatment foster home licensed under s. 48.62 (1) (b).~~

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

7 **48.627 (title) Foster, ~~treatment foster~~ and family-operated group home**
8 **parent insurance and liability.**

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

10 48.627 (2) (a) Before the department, a county department, or a licensed child
11 welfare agency may issue, renew, or continue a foster home, ~~treatment foster home~~
12 or family-operated group home license, the licensing agency shall require the
13 applicant to furnish proof satisfactory to the licensing agency that he or she has
14 homeowner's or renter's liability insurance that provides coverage for negligent acts
15 or omissions by children placed in a foster home, ~~treatment foster home~~ or
16 family-operated group home that result in bodily injury or property damage to 3rd
17 parties.

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

19 48.627 (2c) The department shall determine the cost-effectiveness of
20 purchasing private insurance that would provide coverage to foster, ~~treatment foster,~~
21 and family-operated group home parents for acts or omissions by or affecting a child
22 who is placed in a foster home, ~~a treatment foster home,~~ or a family-operated group
23 home. If this private insurance is cost-effective and available, the department shall
24 purchase the insurance from the appropriations under s. 20.437 (1) (cf) and (pd). If
25 the insurance is unavailable, payment of claims for acts or omissions by or affecting

1 a child who is placed in a foster home, ~~a treatment foster home~~, or a family-operated
2 group home shall be in accordance with subs. (2m) to (3).

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

4 48.627 **(2m)** Within the limits of the appropriations under s. 20.437 (1) (cf) and
5 (pd), the department shall pay claims to the extent not covered by any other
6 insurance and subject to the limitations specified in sub. (3), for bodily injury or
7 property damage sustained by a licensed foster, ~~treatment foster~~, or family-operated
8 group home parent or a member of the foster, ~~treatment foster~~, or family-operated
9 group home parent's family as a result of the act of a child in the foster, ~~treatment~~
10 ~~foster~~, or family-operated group home parent's care.

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

12 48.627 **(2s)** (a) Acts or omissions of the foster, ~~treatment foster~~ or
13 family-operated group home parent that result in bodily injury to the child who is
14 placed in the foster home, ~~treatment foster home~~ or family-operated group home or
15 that form the basis for a civil action for damages by the foster child's parent against
16 the foster, ~~treatment foster~~ or family-operated group home parent.

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

18 48.627 **(2s)** (b) Bodily injury or property damage caused by an act or omission
19 of a child who is placed in the foster, ~~treatment foster~~ or family-operated group home
20 parent's care for which the foster, ~~treatment foster~~ or family-operated group home
21 parent becomes legally liable.

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

23 48.627 **(3)** (b) A claim under sub. (2m) shall be submitted to the department
24 within 90 days after the bodily injury or property damage occurs. A claim under sub.
25 (2s) shall be submitted within 90 days after a foster, ~~treatment foster~~ or

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

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

5 48.627 (3) (d) No claim may be approved in an amount exceeding the total
6 amount available for paying claims under this subsection in the fiscal year during
7 which the claim is submitted. No claim for property damage sustained by a foster,
8 ~~treatment foster~~ or family-operated group home parent or a member of a foster,
9 ~~treatment foster~~ or family-operated group home parent's family may be approved in
10 an amount exceeding \$250,000.

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

12 48.627 (3) (e) The department may not approve a claim unless the foster,
13 ~~treatment foster~~ or family-operated group home parent submits with the claim
14 evidence that is satisfactory to the department of the cause and value of the claim
15 and evidence that insurance coverage is unavailable or inadequate to cover the
16 claim. If insurance is available but inadequate, the department may approve a claim
17 only for the amount of the value of the claim that it determines is in excess of the
18 amount covered by insurance.

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

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

1 among the claimants whose claims were prorated during the fiscal year. Payment
2 of a prorated amount from unencumbered funds remaining at the end of the fiscal
3 year constitutes a complete payment of the claim for purposes of this program, but
4 does not prohibit a foster parent or ~~treatment foster parent~~ family-operated group
5 home parent from submitting a claim under s. 16.007 for the unpaid portion.

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

7 48.627 (3) (h) If a claim by a foster, ~~treatment foster~~ or family-operated group
8 home parent or a member of the foster, ~~treatment foster~~ or family-operated group
9 home parent's family is approved, the department shall deduct from the amount
10 approved \$100 less any amount deducted by an insurance company from a payment
11 for the same claim, except that a foster, ~~treatment foster~~ or family-operated group
12 home parent and his or her family are subject to only one deductible for all claims
13 filed in a fiscal year.

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

15 48.627 (4) Except as provided in s. 895.485, the department is not liable for any
16 act or omission by or affecting a child who is placed in a foster home, ~~treatment foster~~
17 ~~home~~, or family-operated group home, but shall, as provided in this section, pay
18 claims described under sub. (2m) and may pay claims described under sub. (2s) or
19 may purchase insurance to cover such claims as provided for under sub. (2c), within
20 the limits of the appropriations under s. 20.437 (1) (cf) and (pd).

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

22 48.627 (5) The attorney general may represent a foster, ~~treatment foster~~ or
23 family-operated group home parent in any civil action arising out of an act or
24 omission of the foster, ~~treatment foster~~ or family-operated group home parent while

1 acting in his or her capacity as a foster, ~~treatment foster~~ or family-operated group
2 home parent.

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

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

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

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

4 48.63 (3) (b) 2. The department, a county department under s. 48.57 (1) (e) or
5 (hm), or a child welfare agency licensed under s. 48.60 may place a child under subd.
6 1. in the home of a proposed adoptive parent or parents who reside in this state if that
7 home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

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

9 48.63 (4) A permanency plan under s. 48.38 is required for each child placed
10 in a foster home ~~or treatment foster home~~ under sub. (1). If the child is living in a
11 foster home ~~or treatment foster home~~ under a voluntary agreement, the agency that
12 negotiated or acted as intermediary for the placement shall prepare the permanency
13 plan within 60 days after the date on which the child was removed from his or her
14 home under the voluntary agreement. A copy of each plan shall be provided to the
15 child if he or she is 12 years of age or over and to the child's parent or guardian. If
16 the agency that arranged the voluntary placement intends to seek a court order to
17 place the child outside of his or her home at the expiration of the voluntary
18 placement, the agency shall prepare a revised permanency plan and file that revised
19 plan with the court prior to the date of the hearing on the proposed placement.

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

21 **48.64 (title) Placement of children in foster homes, ~~treatment foster~~**
22 **homes and group homes.**

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

24 48.64 (1) DEFINITION. In this section, "agency" means the department, the
25 department of corrections, a county department, or a licensed child welfare agency

1 authorized to place children in foster homes, ~~treatment foster homes~~, or group
2 homes.

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

4 48.64 **(1m)** FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME AGREEMENTS.

5 If an agency places a child in a foster home, ~~treatment foster home~~ or group home
6 under a court order or voluntary agreement under s. 48.63, the agency shall enter
7 into a written agreement with the head of the home. The agreement shall provide
8 that the agency shall have access at all times to the child and the home, and that the
9 child will be released to the agency whenever, in the opinion of the agency placing
10 the child or the department, the best interests of the child require it release to the
11 agency. If a child has been in a foster home, ~~treatment foster home~~ or group home
12 for 6 months or more, the agency shall give the head of the home written notice of
13 intent to remove the child, stating the reasons for the removal. The child may not
14 be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or
15 30 days after the receipt of the notice, whichever is later, unless the safety of the child
16 requires it or, in a case in which the reason for removal is to place the child for
17 adoption under s. 48.833, unless all of the persons who have the right to request a
18 hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed
19 removal. If the safety of the child requires earlier removal, s. 48.19 shall apply. If
20 an agency removes a child from an adoptive placement, the head of the home shall
21 have no claim against the placing agency for the expense of care, clothing, or medical
22 treatment.

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

24 48.64 **(1r)** NOTIFICATION OF SCHOOL DISTRICT. When an agency places a
25 school-age child in a foster home, ~~a treatment foster home~~ or a group home, the

1 agency shall notify the clerk of the school district in which the foster home, ~~treatment~~
2 ~~foster home~~ or group home is located that a school-age child has been placed in a
3 foster home, ~~treatment foster home~~ or group home in the school district.

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

5 48.64 (2) SUPERVISION OF FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME
6 PLACEMENTS. Every child in a foster home, ~~treatment foster home~~ or group home shall
7 be under the supervision of an agency.

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

9 48.64 (4) (a) Any decision or order issued by an agency that affects the head of
10 a foster, ~~treatment foster~~ or group home or the children involved may be appealed to
11 the department under fair hearing procedures established under department rules.
12 The department shall, upon receipt of an appeal, give the head of the home
13 reasonable notice and opportunity for a fair hearing. The department may make
14 such any additional investigation as that the department considers necessary. The
15 department shall give notice of the hearing to the head of the home and to the
16 departmental subunit, county department, or child welfare agency that issued the
17 decision or order. Each person receiving notice is entitled to be represented at the
18 hearing. At all hearings conducted under this subsection, the head of the home, or
19 a representative of the head of the home, shall have an adequate opportunity,
20 notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at
21 the hearing at a reasonable time before the date of the hearing as well as during the
22 hearing, to bring witnesses, to establish all pertinent facts and circumstances, and
23 to question or refute any testimony or evidence, including opportunity to confront
24 and cross-examine adverse witnesses. The department shall grant a continuance
25 for a reasonable period of time when an issue is raised for the first time during a

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

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

17 48.64 (4) (c) The circuit court for the county where the dispositional order
18 placing a child in a foster home, ~~treatment foster home~~, or group home was entered
19 or the voluntary agreement under s. 48.63 so placing a child was made has
20 jurisdiction upon petition of any interested party over a child who is placed in a foster
21 home, ~~treatment foster home~~, or group home. The circuit court may call a hearing,
22 at which the head of the home and the supervising agency under sub. (2) shall be
23 present, for the purpose of reviewing any decision or order of that agency involving
24 the placement and care of the child. If the child has been placed in a foster home, the
25 foster parent may present relevant evidence at the hearing. The petitioner has the

1 burden of proving by clear and convincing evidence that the decision or order issued
2 by the agency is not in the best interests of the child.

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

4 48.645 (1) (a) The child is living in a foster home ~~or treatment foster home~~
5 licensed under s. 48.62 if a license is required under that section, in a foster home
6 ~~or treatment foster home~~ located within the boundaries of a federally recognized
7 American Indian reservation in this state and licensed by the tribal governing body
8 of the reservation, in a group home licensed under s. 48.625, in a subsidized
9 guardianship home under s. 48.62 (5), or in a residential care center for children and
10 youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment~~
11 ~~foster home~~, group home, subsidized guardianship home, or center by a county
12 department under s. 46.215, 46.22, or 46.23, by the department, or by a federally
13 recognized American Indian tribal governing body in this state under an agreement
14 with a county department under s. 46.215, 46.22, or 46.23.

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

16 48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
17 home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or~~
18 ~~treatment foster home~~ located within the boundaries of a federally recognized
19 American Indian reservation in this state and licensed by the tribal governing body
20 of the reservation, or in a group home licensed under s. 48.625; a subsidized
21 guardian or interim caretaker under s. 48.62 (5) who cares for the dependent child;,
22 or a minor custodial parent who cares for the dependent child; regardless of the
23 cause or prospective period of dependency. The state shall reimburse counties
24 pursuant to the procedure under s. 48.569 (2) and the percentage rate of
25 participation set forth in s. 48.569 (1) (d) for aid granted under this section except

1 that if the child does not have legal settlement in the granting county, state
2 reimbursement shall be at 100%. The county department under s. 46.215, 46.22, or
3 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of
4 the child. A child under one year of age shall be eligible for aid under this subsection
5 irrespective of any other residence requirement for eligibility within this section.

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

7 48.645 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
8 the department, when the child is placed in a licensed foster home, ~~treatment foster~~
9 ~~home~~, group home, or residential care center for children and youth or in a subsidized
10 guardianship home by a licensed child welfare agency or by a federally recognized
11 American Indian tribal governing body in this state or by its designee, if the child is
12 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
13 department under s. 48.48 (17) or if the child was removed from the home of a relative
14 as a result of a judicial determination that continuance in the home of the relative
15 would be contrary to the child's welfare for any reason and the placement is made
16 under an agreement with the county department or the department.

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

18 48.645 (2) (a) 4. A licensed foster home, ~~treatment foster home~~, group home,
19 or residential care center for children and youth or a subsidized guardianship home
20 when the child is in the custody or guardianship of the state, when the child is a ward
21 of an American Indian tribal court in this state and the placement is made under an
22 agreement between the department and the tribal governing body, or when the child
23 was part of the state's direct service case load and was removed from the home of a
24 relative as a result of a judicial determination that continuance in the home of a

1 relative would be contrary to the child's welfare for any reason and the child is placed
2 by the department.

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

4 48.645 (2) (b) Notwithstanding par. (a), aid under this section may not be
5 granted for placement of a child in a foster home ~~or treatment foster home~~ licensed
6 by a federally recognized American Indian tribal governing body, for placement of a
7 child in a foster home, ~~treatment foster home~~, group home, subsidized guardianship
8 home, or residential care center for children and youth by a tribal governing body or
9 its designee, or for the placement of a child who is a ward of a tribal court if the tribal
10 governing body is receiving or is eligible to receive funds from the federal government
11 for that type of placement.

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

13 **48.648 Foster children's bill of rights. (1)** The department and all county
14 departments and licensed child welfare agencies shall respect the rights of all foster
15 children. These rights shall include the right to all of the following:

16 (a) Live in a safe, healthy, and comfortable home where the foster child is
17 treated with respect.

18 (b) Be free from physical, sexual, emotional, or other abuse or corporal
19 punishment.

20 (c) Receive adequate and healthy food and adequate clothing.

21 (d) Receive medical, dental, vision, and mental health services.

22 (e) Be free from the administration of medication or chemical substances,
23 unless authorized by a physician.

24 (f) Contact family members, unless prohibited by court order.

25 (g) Visit and contact siblings, unless prohibited by court order.

1 (h) Contact the department, a county department, or a licensed child welfare
2 agency regarding violations of rights, to speak to representatives of those agencies
3 confidentially, and to be free from threats or punishments for making complaints.

4 (i) Make and receive confidential telephone calls and send and receive
5 confidential mail and electronic mail, if electronic mail is available at the foster
6 child's placement.

7 (j) Attend religious services and activities of the foster child's choice.

8 (k) Manage personal income, consistent with the foster child's age and
9 developmental level, unless prohibited by the foster child's case plan.

10 (L) Not be locked in any room.

11 (m) Attend school and participate in extracurricular, cultural, and personal
12 enrichment activities, consistent with the foster child's age and developmental level.

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

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

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

18 (q) Have storage space for private use.

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

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

23 (t) Have fair and equal access to all available services, placement, care,
24 treatment, and benefits, and to not be subjected to discrimination or harassment on
25 the basis of actual or perceived race, ethnicity, ancestry, national origin, religion, sex,

1 sexual orientation, mental or physical disability, or human immunodeficiency virus
2 status.

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

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

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

15 **48.649 Foster parent's bill of rights.** (1) The department and all county
16 departments and licensed child welfare agencies shall respect the rights of all foster
17 parents. These rights shall include the right to all of the following:

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

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

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

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

4 (e) Be provided a clear, written understanding of the permanency plan and case
5 plan of a child placed in the foster parent's care to the extent that those plans concern
6 the placement of the foster child in the foster parent's home.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 48.65 (3) (a) Before the department may issue a license under sub. (1) to a day
25 care center that provides care and supervision for 4 to 8 children, the day care center

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

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

11 48.651 (1) (intro.) ~~Each county department shall certify~~ No person, other than
12 a day care center licensed under s. 48.65 or established or contracted for under s.
13 120.13 (14), may receive reimbursement for providing child care services for an
14 individual who is determined eligible for a child care subsidy under s. 49.155 unless
15 the person is certified, according to the standards adopted by the department under
16 s. 49.155 (1d), ~~each day care provider reimbursed for child care services provided to~~
17 ~~families determined eligible under s. 49.155, unless the provider is a day care center~~
18 ~~licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each~~
19 ~~county may charge a fee to cover the costs of certification by the department in a~~
20 county having a population of 500,000 or more, a county department, or an agency
21 with which the department contracts under sub. (2). To be certified under this
22 section, a person must meet the minimum requirements for certification established
23 by the department under s. 49.155 (1d), meet the requirements specified in s. 48.685,
24 and pay the fee specified in this section. ~~The county sub. (2).~~ The department in a
25 county having a population of 500,000 or more, a county department, or an agency

1 contracted with under sub. (2) shall certify the following categories of day care
2 providers:

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

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

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

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

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

20 48.651 (2c) From the allocation under s. 49.175 (1) (p), the department shall
21 do all of the following:

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

24 (b) For contracts with agencies entered into under sub. (2), allocate available
25 funds, as determined by the department, in proportion to the number of certified

1 providers, applications for certification, previously experienced certification costs,
2 estimated certification costs, or such other measures as the department determines.

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

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

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

9 48.657 (2m) The department shall make available on the department's
10 Internet site, as part of the department's licensed day care center search database,
11 a specific description of any violation described in sub. (1) and a description of any
12 steps taken by the day care center to correct the violation.

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

14 **48.659** ✓ **Child care quality rating system.** The department shall provide a
15 child care quality rating system that rates the quality of the child care provided by
16 a child care provider licensed under s. 48.65 that receives reimbursement under s.
17 49.155 for the child care provided or that volunteers for rating under this section.
18 The department shall make the rating information provided under that system
19 available to the parents, guardians, and legal custodians of children who are
20 recipients, or prospective recipients, of care and supervision from a child care
21 provider that is rated under this section, including making that information
22 available on the department's Internet site.

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

1 SUBCHAPTER XVI

2 LICENSING PROCEDURES AND REQUIREMENTS FOR CHILD WELFARE
3 AGENCIES, FOSTER HOMES, ~~TREATMENT FOSTER HOMES~~, GROUP
4 HOMES, DAY CARE CENTERS, AND COUNTY DEPARTMENTS5 **SECTION 1059.** 48.66 (1) (a) of the statutes is amended to read:6 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall
7 license and supervise child welfare agencies, as required by s. 48.60, group homes,
8 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care
9 centers, as required by s. 48.65. The department may license foster homes ~~or~~
10 ~~treatment foster homes~~, as provided by s. 48.62, and may license and supervise
11 county departments in accordance with the procedures specified in this section and
12 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the
13 records and visit the premises of all child welfare agencies, group homes, shelter care
14 facilities, and day care centers and visit the premises of all foster homes ~~and~~
15 ~~treatment foster homes~~ in which children are placed.16 **SECTION 1060.** 48.66 (1) (c) of the statutes is amended to read:17 48.66 (1) (c) A license issued under par. (a) or (b), other than a license to operate
18 a foster home, ~~treatment foster home~~, or secured residential care center for children
19 and youth, is valid until revoked or suspended. A license issued under this
20 subsection to operate a foster home, ~~treatment foster home~~, or secured residential
21 care center for children and youth may be for any term not to exceed 2 years from the
22 date of issuance. No license issued under par. (a) or (b) is transferable.23 **SECTION 1061.** 48.67 (intro.) of the statutes is amended to read:24 **48.67 Rules governing child welfare agencies, day care centers, foster**
25 **homes, ~~treatment foster homes~~, group homes, shelter care facilities, and**

1 **county departments.** (intro.) The department shall promulgate rules establishing
2 minimum requirements for the issuance of licenses to, and establishing standards
3 for the operation of, child welfare agencies, day care centers, foster homes, ~~treatment~~
4 ~~foster homes~~, group homes, shelter care facilities, and county departments. Those
5 rules shall be designed to protect and promote the health, safety, and welfare of the
6 children in the care of all licensees. The department shall consult with the
7 department of commerce, the department of public instruction, and the child abuse
8 and neglect prevention board before promulgating those rules. For foster homes,
9 those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall
10 include rules that require all of the following:

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

12 48.67 (4) That all foster parents [✓] successfully complete training in the care and
13 support needs of children who are placed in foster care that has been approved by the
14 department. The department shall promulgate rules prescribing the training that
15 is required under this subsection and shall monitor compliance with this subsection
16 according to those rules.

17 **SECTION 1062b.** [✓] 48.67 (4) of the statutes, as created by this act, is amended to
18 read:

19 48.67 (4) That all foster parents ~~and treatment foster parents~~ successfully
20 complete training in the care and support needs of children who are placed in foster
21 care ~~or treatment foster care~~ that has been approved by the department. The
22 department shall promulgate rules prescribing the training that is required under
23 this subsection and shall monitor compliance with this subsection according to those
24 rules.

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

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

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

7 48.675 (2) APPROVAL OF PROGRAMS. The department shall promulgate rules for
8 approval of programs to meet the requirements of this section. ~~Such~~ Those programs
9 may include, ~~but need not be limited to:~~ in-service training; workshops and
10 seminars developed by the department or by county departments; seminars and
11 courses offered through public or private education agencies; and workshops,
12 seminars, and courses pertaining to behavioral and developmental disabilities and
13 to the development of mutual support services for foster parents ~~and treatment~~
14 ~~foster parents~~. The department may approve programs under this subsection only
15 after consideration of relevant factors including level of education, useful or
16 necessary skills, location, and other criteria as determined by the department.

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

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

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

24 48.675 (3) (a) Care of residents of the foster home ~~or treatment foster home~~
25 during the time of participation in an education program.

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

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

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

19 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.
20 48.60 to provide care and maintenance for children, to place children for adoption,
21 or to license foster homes ~~or treatment foster homes~~; a foster home ~~or treatment~~
22 ~~foster home~~ that is licensed under s. 48.62; ^{✓ extra space?} a group home that is licensed under s.
23 48.625; a shelter care facility that is licensed under s. 938.22; a day care center that
24 is licensed under s. 48.65 or established or contracted for under s. 120.13 (14); a day

1 care provider that is certified under s. 48.651; or a temporary employment agency
2 that provides caregivers to another entity.

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

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

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

13 48.685 (2) (c) 2. If the person who is the subject of the search under par. (am)
14 is seeking a license to operate a foster home ~~or treatment foster home~~ or is an adult
15 nonclient resident of the foster home ~~or treatment foster home~~ and if the person is
16 not, or at any time within the 5 years preceding the date of the search has not been,
17 a resident of this state, the department, county department, or child welfare agency
18 shall check any child abuse or neglect registry maintained by any state or other U.S.
19 jurisdiction in which the person is a resident or was a resident within those 5 years
20 for information that is equivalent to the information specified in par. (am) 4. The
21 department, county department, or child welfare agency may not use any
22 information obtained under this subdivision for any purpose other than a search of
23 the person's background under par. (am).

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



1 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
 2 par. (ad) and sub. (5), the department may not license, or continue or renew the
 3 license of, a person to operate an entity, the department in a county having a
 4 population of 500,000 or more, a county department, or an agency contracted with
 5 under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county
 6 department or a child welfare agency may not license, or renew the license of, a foster
 7 home or treatment foster home under s. 48.62, and a school board may not contract
 8 with a person under s. 120.13 (14), if the department, county department, contracted
 9 agency, child welfare agency, or school board knows or should have known any of the
 10 following:

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

13 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
 14 par. (ad) and sub. (5), the department may not license, or continue or renew the
 15 license of, a person to operate an entity, the department in a county having a
 16 population of 500,000 or more, a county department, or an agency contracted with
 17 under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county
 18 department or a child welfare agency may not license, or renew the license of, a foster
 19 home ^{plain} or treatment foster home under s. 48.62, ^{extra space?} and a school board may not contract
 20 with a person under s. 120.13 (14), if the department, county department, contracted
 21 agency, child welfare agency, or school board knows or should have known any of the
 22 following:

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

24 48.685 (4m) (ad) The department, a county department, or a child welfare
 25 agency may license a foster home or treatment foster home under s. 48.62, the

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

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

9 48.685 **(4m)** (ad) The department, a county department, or a child welfare
10 agency may license a foster home ~~or treatment foster home~~ under s. 48.62, the
11 department in a county having a population of 500,000 or more, a county
12 department, or an agency contracted with under s. 48.651 (2) may certify a day care
13 provider under s. 48.651, and a school board may contract with a person under s.
14 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am)
15 indicating that the person is not ineligible to be licensed, certified, or contracted with
16 for a reason specified in par. (a) 1. to 5.

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

18 48.685 **(5)** (a) Subject to par. (bm), the department may license to operate an
19 entity, the department in a county having a population of 500,000 or more, a county
20 department, or an agency contracted with under s. 48.651 (2) may certify under s.
21 48.651, a county department or a child welfare agency may license under s. 48.62,
22 and a school board may contract with under s. 120.13 (14) a person who otherwise
23 may not be licensed, certified, or contracted with for a reason specified in sub. (4m)
24 (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity
25 a person who otherwise may not be employed, contracted with, or permitted to reside

*delete
extra space*

1 at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates
2 to the department, the county department, the contracted agency, the child welfare
3 agency, or the school board or, in the case of an entity that is located within the
4 boundaries of a reservation, to the person or body designated by the tribe under sub.
5 (5d) (a) 3., by clear and convincing evidence and in accordance with procedures
6 established by the department by rule or by the tribe that he or she has been
7 rehabilitated.

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

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

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

15 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
16 a person to operate an entity, a county department or a child welfare agency may
17 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
18 may refuse to employ or contract with a caregiver or permit a nonclient resident to
19 reside at the entity if the person has been convicted of an offense that is not a serious
20 crime, but that is, in the estimation of the department, county department, child
21 welfare agency, or entity, substantially related to the care of a client.
22 Notwithstanding s. 111.335, the department may refuse to license a person to
23 operate a day care center, the department in a county having a population of 500,000
24 or more, a county department, or an agency contracted with under s. 48.651 (2) may
25 refuse to certify a day care provider under s. 48.651, a school board may refuse to