

1 contract with a person under s. 120.13 (14), and a day care center that is licensed  
2 under s. 48.65 or established or contracted for under s. 120.13 (14) and or a day care  
3 provider that is certified under s. 48.651 may refuse to employ or contract with a  
4 caregiver or permit a nonclient resident to reside at the day care center or day care  
5 provider if the person has been convicted of or adjudicated delinquent on or after his  
6 or her 12th birthday for an offense that is not a serious crime, but that is, in the  
7 estimation of the department, county department, contracted agency, school board,  
8 day care center, or day care provider, substantially related to the care of a client.

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

11 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
12 a person to operate an entity, a county department or a child welfare agency may  
13 refuse to license a foster home or ~~treatment foster home~~ <sup>care space?</sup> under s. 48.62, and an entity  
14 may refuse to employ or contract with a caregiver or permit a nonclient resident to  
15 reside at the entity if the person has been convicted of an offense that is not a serious  
16 crime, but that is, in the estimation of the department, county department, child  
17 welfare agency, or entity, substantially related to the care of a client.

18 Notwithstanding s. 111.335, the department may refuse to license a person to  
19 operate a day care center, the department in a county having a population of 500,000  
20 or more, a county department, or an agency contracted with under s. 48.651 (2) may  
21 refuse to certify a day care provider under s. 48.651, a school board may refuse to  
22 contract with a person under s. 120.13 (14), and a day care center that is licensed  
23 under s. 48.65 or established or contracted for under s. 120.13 (14) or a day care  
24 provider that is certified under s. 48.651 may refuse to employ or contract with a  
25 caregiver or permit a nonclient resident to reside at the day care center or day care

1 provider if the person has been convicted of or adjudicated delinquent on or after his  
2 or her 12th birthday for an offense that is not a serious crime, but that is, in the  
3 estimation of the department, county department, contracted agency, school board,  
4 day care center, or day care provider, substantially related to the care of a client.

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

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

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

19 48.685 (6) (a) The department shall require any person who applies for  
20 issuance, continuation, or renewal of a license to operate an entity, the department  
21 in a county having a population of 500,000 or more, a county department, or an  
22 agency contracted with under s. 48.651 (2) shall require any day care provider who  
23 applies for initial certification under s. 48.651 or for renewal of that certification, a  
24 county department or a child welfare agency shall require any person who applies  
25 for issuance or renewal of a license to operate a foster home ~~or treatment foster home~~

1 under s. 48.62<sup>✓</sup>, and a school board shall require any person who proposes to contract  
2 with the school board under s. 120.13 (14) or to renew a contract under that  
3 subsection, to complete a background information form that is provided by the  
4 department.

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

6 48.70 (2) SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. A license to  
7 a child welfare agency shall also specify the kind of child welfare work the agency is  
8 authorized to undertake, whether the agency may accept guardianship of children,  
9 whether the agency may place children in foster homes ~~or treatment foster homes~~,  
10 and if so, the area the agency is equipped to serve.

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

12 **48.73 Inspection of licensees.** The department may visit and inspect each  
13 child welfare agency, foster home, ~~treatment foster home~~, group home, and day care  
14 center licensed by ~~it~~ the department, and for ~~such~~ that purpose shall be given  
15 unrestricted access to the premises described in the license.

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

17 **48.75 (title) Foster homes ~~and treatment foster homes~~ licensed by**  
18 **public licensing agencies and by child welfare agencies.**

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

20 48.75 (1d) Child welfare agencies, if licensed to do so by the department, and  
21 public licensing agencies may license foster homes ~~and treatment foster homes~~  
22 under the rules promulgated by the department under s. 48.67 governing the  
23 licensing of foster homes ~~and treatment foster homes~~. A foster home ~~or treatment~~  
24 ~~foster home~~ license shall be issued for a term not to exceed 2 years from the date of  
25 issuance, is not transferable, and may be revoked by the child welfare agency or by

1 the public licensing agency because the licensee has substantially and intentionally  
2 violated any provision of this chapter or of the rules of the department promulgated  
3 pursuant to under s. 48.67 or because the licensee fails to meet the minimum  
4 requirements for a license. The licensee shall be given written notice of any  
5 revocation and the grounds ~~therefor~~ for the revocation.

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

7 48.75 (1r) At the time of initial licensure and license renewal, the child welfare  
8 agency or public licensing agency issuing a license under sub. (1d) or (1g) shall  
9 provide the licensee with written information relating to the ~~age-related~~ monthly  
10 foster care rates and supplemental payments specified in s. 48.62 (4), including  
11 payment amounts, eligibility requirements for supplemental payments, and the  
12 procedures for applying for supplemental payments.

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

14 48.75 (2) Any foster home ~~or treatment foster home~~ applicant or licensee of a  
15 public licensing agency or a child welfare agency may, if aggrieved by the failure to  
16 issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

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

18 48.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing  
19 information to a relative of a child placed outside of his or her home only to the extent  
20 necessary to facilitate the establishment of a relationship between the child and the  
21 relative or a placement of the child with the relative. In this paragraph, "relative"  
22 includes a relative whose relationship is derived through a parent of the child whose  
23 parental rights are terminated.

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

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

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

16          48.833 (2) PLACEMENT BY CHILD WELFARE AGENCY. A child welfare agency  
17          licensed under s. 48.60 may place a child for adoption in a licensed foster home ~~or a~~  
18          ~~licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the  
19          child welfare agency is the guardian of the child or makes the placement at the  
20          request of another agency that is the guardian of the child and if the proposed  
21          adoptive parents have completed the preadoption preparation required under s.  
22          48.84 (1) or the child welfare agency determines that the proposed adoptive parents  
23          are not required to complete that preparation. When a child is placed under this  
24          subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption,  
25          the child welfare agency making the placement shall enter into a written agreement

1 with the proposed adoptive parent, which shall state the date on which the child is  
2 placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by  
3 the proposed adoptive parent.

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

5 48.837 (1) IN-STATE ADOPTIVE PLACEMENT. When the proposed adoptive parent  
6 or parents of a child reside in this state and are not relatives of the child, a parent  
7 having custody of a child and the proposed adoptive parent or parents of the child  
8 may petition the court for placement of the child for adoption in the home of the  
9 proposed adoptive parent or parents if the home is licensed as a foster home ~~or~~  
10 ~~treatment foster home~~ under s. 48.62.

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

12 48.837 (1r) (b) The department, a county department under s. 48.57 (1) (e) or  
13 (hm), or a child welfare agency licensed under s. 48.60 may place a child under par.  
14 (a) in the home of a proposed adoptive parent or parents who reside in this state if  
15 that home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

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

17 48.88 (2) (am) 1. If the petitioner was required to obtain an initial license to  
18 operate a foster home ~~or treatment foster home~~ before placement of the child for  
19 adoption or relicensure after a break in licensure, the agency making the  
20 investigation shall obtain a criminal history search from the records maintained by  
21 the department of justice and request under 42 USC 16962 (b) a fingerprint-based  
22 check of the national crime information databases, as defined in 28 USC 534 (f) (3)  
23 (A), with respect to the petitioner. The agency may release any information obtained  
24 under this subdivision only as permitted under 42 USC 16962 (e). In the case of a  
25 child on whose behalf adoption assistance payments will be provided under s. 48.975,

1 if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm)  
2 1. to 4., the agency may not report that the petitioner's home is suitable for the child.

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

4 48.88 (2) (am) 2. If the petitioner was required to obtain a license to operate  
5 a foster home ~~or treatment foster home~~ before placement of the child for adoption,  
6 the agency making the investigation shall obtain information maintained by the  
7 department regarding any substantiated reports of child abuse or neglect against the  
8 petitioner and any other adult residing in the petitioner's home. If the petitioner or  
9 other adult residing in the petitioner's home is not, or at any time within the 5 years  
10 preceding the date of the search has not been, a resident of this state, the agency shall  
11 check any child abuse or neglect registry maintained by any state or other U.S.  
12 jurisdiction in which the petitioner or other adult is a resident or was a resident  
13 within those 5 years for information that is equivalent to the information maintained  
14 by the department regarding substantiated reports of child abuse or neglect. The  
15 agency may not use any information obtained under this subdivision for any purpose  
16 other than a background search under this subdivision.

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

18 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was  
19 in foster care, ~~treatment foster care~~, or subsidized guardianship care immediately  
20 prior to placement for adoption, the initial amount of adoption assistance for  
21 maintenance shall be equivalent to the amount of that child's foster care, ~~treatment~~  
22 ~~foster care~~, or subsidized guardianship care payment at the time that the agreement  
23 under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive  
24 parents and specified in that agreement.

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

1           48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster  
2 care, ~~treatment foster care~~, or subsidized guardianship care immediately prior to  
3 placement for adoption, the initial amount of adoption assistance for maintenance  
4 shall be equivalent to the uniform foster care rate applicable to the child that is in  
5 effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount  
6 if agreed to by the proposed adoptive parents and specified in that agreement.

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

8           48.98 (1) No person may bring a child into this state or send a child out of this  
9 state for the purpose of placing the child in foster care ~~or treatment foster care~~ or for  
10 the purpose of adoption without a certificate from the department that the home is  
11 suitable for the child.

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

13           48.98 (2) (a) Any person, except a county department or licensed child welfare  
14 agency, who brings a child into this state for the purpose of placing the child in a  
15 foster home ~~or treatment foster home~~ shall, before the child's arrival in this state, file  
16 with the department a \$1,000 noncancelable bond in favor of this state, furnished by  
17 a surety company licensed to do business in this state. The condition of the bond shall  
18 be that the child will not become dependent on public funds for his or her primary  
19 support before the child reaches age 18 or is adopted.

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

21           48.981 (3) (a) 3. ~~A~~ Except as provided in sub. (3m), a county department, the  
22 department, or a licensed child welfare agency under contract with the department  
23 shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the  
24 sheriff or police department all cases of suspected or threatened abuse, as defined in  
25 s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened abuse, as



1 defined in s. 48.02 (1) (a), (am), (g), or (gm), or neglect, each county department, the  
2 department, and a licensed child welfare agency under contract with the department  
3 shall adopt a written policy specifying the kinds of reports it will routinely report to  
4 local law enforcement authorities.

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

6 48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the  
7 agency shall evaluate the report to determine whether there is reason to suspect that  
8 a caregiver has abused or neglected the child, has threatened the child with abuse  
9 or neglect, or has facilitated or failed to take action to prevent the suspected or  
10 threatened abuse or neglect of the child. If Except as provided in sub. (3m), if the  
11 agency determines that a caregiver is suspected of abuse or neglect or of threatened  
12 abuse or neglect of the child, determines that a caregiver is suspected of facilitating  
13 or failing to take action to prevent the suspected or threatened abuse or neglect of  
14 the child, or cannot determine who abused or neglected the child, within 24 hours  
15 after receiving the report the agency shall, in accordance with the authority granted  
16 to the department under s. 48.48 (17) (a) 1. or the county department under s. 48.57  
17 (1) (a), initiate a diligent investigation to determine if the child is in need of  
18 protection or services. If the agency determines that a person who is not a caregiver  
19 is suspected of abuse or of threatened abuse, the agency may, in accordance with that  
20 authority, initiate a diligent investigation to determine if the child is in need or  
21 protection or services. Within 24 hours after receiving a report under par. (a) of  
22 suspected unborn child abuse, the agency, in accordance with that authority, shall  
23 initiate a diligent investigation to determine if the unborn child is in need of  
24 protection or services. An investigation under this subd. 1. a. shall be conducted in

1 accordance with standards established by the department for conducting child abuse  
2 and neglect investigations or unborn child abuse investigations.

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

4 48.981 (3) (d) 1. In this paragraph, "agent" includes, ~~but is not limited to,~~ a  
5 foster parent, ~~treatment foster parent~~ or other person given custody of a child or a  
6 human services professional employed by a county department under s. 51.42 or  
7 51.437 or by a child welfare agency who is working with a child or an expectant  
8 mother of an unborn child under contract with or under the supervision of the  
9 department in a county having a population of 500,000 or more or a county  
10 department under s. 46.22.

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

12 48.981 (3m) ALTERNATIVE RESPONSE PILOT PROGRAM. (a) In this subsection,  
13 "substantial abuse or neglect" means abuse or neglect or threatened abuse or neglect  
14 that under the guidelines developed by the department under par. (b) constitutes  
15 severe abuse or neglect or a threat of severe abuse or neglect and a significant threat  
16 to the safety of a child and his or her family.

17 (b) The department shall establish a pilot program under which an agency in  
18 a county having a population of 500,000 or more or a county department that is  
19 selected to participate in the pilot program may employ alternative responses to a  
20 report of abuse or neglect or of threatened abuse or neglect. The department shall  
21 select an agency in a county having a population of 500,000 or more and not more  
22 than 4 county departments to participate in the pilot program in accordance with the  
23 department's request-for-proposal procedures and according to criteria developed  
24 by the department. Those criteria shall include an assessment of the plan of an  
25 agency or county department for involving the community in providing services for

1 a family that is participating in the pilot program and a determination of whether  
2 an agency or a county department has an agreement with local law enforcement  
3 agencies and the representative of the public under s. 48.09 to ensure interagency  
4 cooperation in implementing the pilot program. To implement the pilot program, the  
5 department shall provide all of the following:

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

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

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

18 1. If the agency or county department determines that there is reason to  
19 suspect that substantial abuse or neglect has occurred or is likely to occur or that an  
20 investigation under sub. (3) is otherwise necessary to ensure the safety of the child  
21 and his or her family, the agency or county department shall investigate the report  
22 as provided in sub. (3). If in conducting that investigation the agency or county  
23 department determines that it is not necessary for the safety of the child and his or  
24 her family to complete the investigation, the agency or county department may  
25 terminate the investigation and conduct an assessment under subd. 2. If the agency

1 or county department terminates an investigation, the agency or county department  
2 shall document the reasons for terminating the investigation and notify any law  
3 enforcement agency that is cooperating in the investigation.

4 2. a. If the agency or county department determines that there is reason to  
5 suspect that abuse or neglect, other than substantial abuse or neglect, has occurred  
6 or is likely to occur, but that under the guidelines developed by the department under  
7 par. (b) there is no immediate threat to the safety of the child and his or her family  
8 and court intervention is not necessary, the agency or county department shall  
9 conduct a comprehensive assessment of the safety of the child and his or her family,  
10 the risk of subsequent abuse or neglect, and the strengths and needs of the child's  
11 family to determine whether services are needed to address those issues assessed  
12 and, based on the assessment, shall offer to provide appropriate services to the child's  
13 family on a voluntary basis or refer the child's family to a service provider in the  
14 community for the provision of those services.

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

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

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

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

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

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

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

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

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

6           7g. The rate at which children referred for each type of response specified in  
7 par. (c) 1. to 3. are subsequently the subjects of reports of suspected or threatened  
8 abuse or neglect.

9           7m. The satisfaction of families referred for each type of response specified in  
10 par. (c) 1. to 3. with the process used to respond to those referrals.

11           7r. The cost effectiveness of responding to reports of suspected or threatened  
12 abuse or neglect in the manner provided under the pilot program.

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

14           48.981 (7) (a) 4. A child's foster parent, ~~treatment foster parent~~ or other person  
15 having physical custody of the child or a person having physical custody of the  
16 expectant mother of an unborn child, except that the person or agency maintaining  
17 the record or report may not disclose any information that would identify the  
18 reporter.

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

20           48.981 (7) (a) 4m. A relative of a child placed outside of his or her home only  
21 to the extent necessary to facilitate the establishment of a relationship between the  
22 child and the relative or a placement of the child with the relative. In this  
23 subdivision, "relative" includes a relative whose relationship is derived through a  
24 parent of the child whose parental rights are terminated.

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

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

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

9           48.983 (1) (b) 2. a. There is a substantial risk of poor birth outcomes or future  
10 abuse or neglect of a child in the family if assistance is not provided.

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

12           48.983 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected  
13 by the department under sub. (5) to participate in the program under this section,  
14 the department shall award, from the appropriation under s. 20.437 (2) (1) (ab), a  
15 grant annually to be used only for the purposes specified in sub. (4) (a) and (am). The  
16 minimum amount of a grant is \$10,000. The department shall determine the amount  
17 of a grant awarded to a county, other than a county with a population of 500,000 or  
18 more, or Indian tribe in excess of the minimum amount based on the need of the  
19 county or Indian tribe for a grant, as determined by a formula that the department  
20 shall promulgate by rule. That formula shall determine that need based on the  
21 number of births that are funded by ~~medical assistance~~ Medical Assistance under  
22 subch. IV of ch. 49 in that county or the reservation of that Indian tribe ~~in proportion~~  
23 to the number of births that are funded by ~~medical assistance~~ under subch. IV of ch.  
24 49 in all of the counties and the reservations of all of the Indian tribes to which grants  
25 are awarded under this section and on the rate of poor birth outcomes, including

1 infant mortality, premature births, low birth weights, and racial or ethnic  
2 disproportionality in the rates of those outcomes, in that county or the reservation  
3 of that Indian tribe. The department shall determine the amount of a grant awarded  
4 to a county with a population of 500,000 or more in excess of the minimum amount  
5 based on the need of the county for a grant, as determined by a formula that the  
6 department shall promulgate by rule. That formula shall determine that need based  
7 on 60% of the number of births that are funded by ~~medical assistance~~ Medical  
8 Assistance under subch. IV of ch. 49 in that county ~~in proportion to the number of~~  
9 ~~births that are funded by medical assistance under subch. IV of ch. 49 in all of the~~  
10 ~~counties and the reservations of all of the Indian tribes to which grants are awarded~~  
11 ~~under this section~~ and on the rate of poor birth outcomes, including infant mortality,  
12 premature births, low birth weights, and racial or ethnic disproportionality in the  
13 rates of those outcomes, in that county.

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

15 48.983 (4) (a) 4m. Other than in a county with a population of 500,000 or more,  
16 to reimburse a case management provider under s. 49.45 (25) (b) for the amount of  
17 the allowable charges under the ~~medical assistance~~ Medical Assistance program  
18 that is not provided by the federal government for case management services  
19 provided to a ~~medical assistance~~ Medical Assistance beneficiary described in s. 49.45  
20 (25) (am) 9. who is a child and who is a member of a family that receives home  
21 visitation program services under par. (b) 1.

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

23 48.983 (4) (b) 1. A county, other than a county with a population of 500,000 or  
24 more, or an Indian tribe that is selected to participate in the program under this  
25 section shall ~~select persons who are first-time parents and~~ offer all pregnant women



1 in the county or the reservation of the tribe who are eligible for ~~medical assistance~~  
2 Medical Assistance under subch. IV of ch. 49 and shall offer each of those persons an  
3 opportunity to undergo an assessment through use of a risk assessment instrument  
4 to determine whether the ~~parent~~ person assessed presents risk factors for poor birth  
5 outcomes or for perpetrating child abuse or neglect. Persons who ~~are selected and~~  
6 ~~who~~ agree to be assessed shall be assessed during the prenatal period, ~~if possible, or~~  
7 ~~as close to the time of the child's birth as possible.~~ The risk assessment instrument  
8 shall be developed by the department and shall be based on risk assessment  
9 instruments developed by the department for similar programs that are in operation.  
10 The department need not promulgate as rules under ch. 227 the risk assessment  
11 instrument developed under this subdivision. A person who is assessed to be at risk  
12 of poor birth outcomes or of abusing or neglecting his or her child shall be offered  
13 home visitation program services that shall be commenced during the prenatal  
14 period. Home visitation program services may be provided to a family with a child  
15 identified as being at risk of child abuse or neglect until the identified child reaches  
16 3 years of age. If a family has been receiving home visitation program services  
17 continuously for not less than 12 months, those services may continue to be provided  
18 to the family until the identified child reaches 3 years of age, regardless of whether  
19 the child continues to be eligible for Medical Assistance under subch. IV of ch. 49.  
20 If risk factors for child abuse or neglect with respect to the identified child continue  
21 to be present when the child reaches 3 years of age, home visitation program services  
22 may be provided until the identified child reaches 5 years of age. Home visitation  
23 program services may not be provided to a person unless the person gives his or her  
24 written informed consent to receiving those services or, if the person is a child, unless



1 the child's parent, guardian or legal custodian gives his or her written informed  
2 consent for the child to receive those services.

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

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

5 48.983 (4) (b) 3. A county or Indian tribe that is providing home visitation  
6 program services under subd. 1. ~~or 2.~~ shall provide to a person receiving those  
7 services the information relating to shaken baby syndrome and impacted babies  
8 required under s. 253.15 (6).

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

10 48.983 (5) SELECTION OF COUNTIES AND INDIAN TRIBES. The department shall  
11 provide competitive application procedures for selecting counties and Indian tribes  
12 for participation in the program under this section. The department shall establish  
13 a method for ranking applicants for selection based on the quality of their  
14 applications. In ranking the applications submitted by counties, the department  
15 shall give favorable consideration to a county that has indicated under sub. (6) (d)  
16 2. that it is willing to use a portion of any moneys distributed to the county under s.  
17 48.565 (2) (a) to provide case management services to a ~~medical assistanee~~ Medical  
18 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member  
19 of a family that is a case and that has explained under sub. (6) (d) 2. how the county  
20 plans to use that portion of those moneys to promote the provision of those services  
21 for the case by using a wraparound process so as to provide those services in a  
22 flexible, comprehensive and individualized manner in order to reduce the necessity  
23 for court-ordered services. The department shall also provide application  
24 requirements and procedures for the renewal of a grant awarded under this section.  
25 The application procedures and the renewal application requirements and

1 procedures shall be clear and understandable to the applicants. The department  
2 need not promulgate as rules under ch. 227 the application procedures, the renewal  
3 application requirements or procedures, or the method for ranking applicants  
4 established under this subsection.

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

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

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

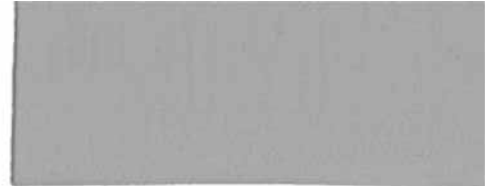
11 48.983 (6) (a) 2. Documentation that the application was developed through  
12 collaboration among public and private organizations that provide services to  
13 children and families, especially children who are at risk of child abuse or neglect and  
14 families that are at risk of poor birth outcomes, or that are otherwise interested in  
15 child welfare and a description of how that collaboration effort will support a  
16 comprehensive home visitation program.

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

18 48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse  
19 and neglect prevention services that are available to residents of the county or  
20 reservation of the Indian tribe and a description of how those services and any  
21 additional needed services will support a comprehensive home visitation program.

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

23 48.983 (6) (a) 4. An explanation of how the home visitation program will build  
24 on existing poor birth outcome and child abuse and neglect prevention programs,



1 including programs that provide support to families, and how the home visitation  
2 program will coordinate with those programs.

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

4 48.983 (6) (a) 5. An explanation of how the applicant, in collaboration with local  
5 prenatal care coordination providers, will implement strategies aimed at achieving  
6 healthy birth outcomes, as determined by performance measures prescribed by the  
7 department of health services, in the county or reservation of the Indian tribe.

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

9 48.983 (6) (b) 1. 'Flexible fund for home visitation programs.' The applicant  
10 demonstrates in the application that the applicant has established, or has plans to  
11 establish, if selected, a fund from which payments totaling not ~~more than \$1,000~~ less  
12 than \$250 per calendar year may be made for appropriate expenses of each family  
13 that is participating in the home visitation program under sub. (4) (b) 1. or that is  
14 receiving home visitation services under s. 49.45 (44). The payments shall be  
15 authorized by an individual designated by the applicant. If an applicant makes a  
16 payment to or on behalf of a family under this subdivision, one-half of the payment  
17 shall be from grant moneys received under this section and one-half of the payment  
18 shall be from moneys provided by the applicant from sources other than grant  
19 moneys received under this section.

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

21 48.983 (6) (b) 2. 'Flexible fund for cases.' The applicant demonstrates in the  
22 grant application that the applicant has established, or has plans to establish, if  
23 selected, a fund from which payments totaling not ~~more than \$500~~ less than \$250 for  
24 each case may be made for appropriate expenses related to the case. The payments  
25 shall be authorized by an individual designated by the applicant. If an applicant

1 makes a payment to or on behalf of a person under this subdivision, one-half of the  
2 payment shall be from grant moneys received under this section and one-half of the  
3 payment shall be from moneys provided by the applicant from sources other than  
4 grant moneys received under this section. The applicant shall demonstrate in the  
5 grant application that it has established, or has plans to establish, if selected,  
6 procedures to encourage, when appropriate, a person to whom or on whose behalf  
7 payments are made under this subdivision to make a contribution to the fund  
8 described in this subdivision up to the amount of payments made to or on behalf of  
9 the person when the person's financial situation permits such a contribution.

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

11 48.983 (6) (d) 2. The applicant indicates in the grant application whether the  
12 applicant is willing to use a portion of any moneys distributed to the applicant under  
13 s. 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical  
14 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member  
15 of a family that is a case. If the applicant is so willing, the applicant shall explain  
16 how the applicant plans to use that portion of those moneys to promote the provision  
17 of those services for the case by using a wraparound process so as to provide those  
18 services in a flexible, comprehensive and individualized manner in order to reduce  
19 the necessity for court-ordered services.

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

21 48.983 (6) (f) *Reinvestment of Medical Assistance reimbursement.* The  
22 applicant agrees to reinvest in the program under this section a portion of the  
23 reimbursement received by the applicant under the Medical Assistance program  
24 under subch. IV of ch. 49. The department and the applicant shall negotiate the  
25 amount of that reinvestment based on the applicant's administrative costs for billing

1 the Medical Assistance program for reimbursement for services provided under this  
2 section and the ratio of Medical Assistance reimbursement received for those  
3 services to the amount billed to the Medical Assistance program for those services.

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

5 48.983 **(6g)** (a) Except as permitted or required under s. 48.981 (2), no person  
6 may use or disclose any information concerning any individual who is selected for an  
7 assessment under sub. (4) (b), including an individual who declines to undergo the  
8 assessment, or concerning any individual who is offered services under a home  
9 visitation program funded under this section, including an individual who declines  
10 to receive those services, unless the use or disclosure is connected with the  
11 administration of the home visitation program or the administration of the ~~medical~~  
12 ~~assistance~~ Medical Assistance program under ss. 49.43 to 49.497 or unless the  
13 individual has given his or her written informed consent to the use or disclosure.

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

15 48.983 **(7)** (a) 1. The number of poor birth outcomes and substantiated reports  
16 of child abuse and neglect.

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

18 48.986 **(4)** A county may use the funds distributed under this section to fund  
19 additional foster parents, ~~treatment foster parents,~~ and subsidized guardians or  
20 interim caretakers to care for abused and neglected children and to fund additional  
21 staff positions to provide services related to child abuse and neglect and to unborn  
22 child abuse.

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

1           49.001 (5p) "Relief block grant" means a block grant awarded to a county or  
2 tribal governing body under s. 49.025, 2009 stats., s. 49.027 or, 2009 stats., or s.  
3 49.029. ✓

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

5           **SECTION 1131.** ✓ 49.002 of the statutes is repealed.

6 *Delete empty component*

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

8           49.01 (3m) "Relief agency" means a tribal governing body or an agency under  
9 contract with a tribal governing body to administer relief if the tribal governing body  
10 operates a relief program funded by a relief block grant.

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

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

13           49.015 (1) (a) Except as provided in sub. (3) (a), the individual resides ~~in a~~  
14 ~~county, or on tax-free land, in on~~ which the ~~county or~~ tribal governing body operates  
15 a program funded by a relief block grant.

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

17           49.015 (1) (c) The individual qualifies under written criteria of dependency  
18 under s. 49.02 (1) (b) established by the relief agency ~~in that county or on that~~  
19 tax-free land.

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

21           49.015 (3) (a) A relief agency may waive the requirement under sub. (1) (a) for  
22 an individual receiving health care services from a trauma center that meets the  
23 criteria established by the American College of Surgeons for classification as a Level  
24 I trauma center. ~~If the county waives the requirement under sub. (1) (a) for an~~

1 ~~individual, the county may seek reimbursement from the individual's county of~~  
2 ~~residence if that county operates a program funded by a relief block grant.~~

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

4 49.02 (1) ELIGIBILITY FOR RELIEF BLOCK GRANTS. (intro.) A ~~county or~~ tribal  
5 governing body is eligible to receive a relief block grant if all of the following  
6 conditions are met:

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

8 49.02 (1) (a) The ~~county board or~~ tribal governing body adopts a resolution  
9 applying for a relief block grant.

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

11 49.02 (1) (b) The ~~county or~~ tribal governing body establishes written criteria  
12 to be used to determine dependency and reviews these written criteria at least  
13 annually.

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

15 49.02 (1) (c) (intro.) The ~~county or~~ tribal governing body submits to the  
16 department a plan for the provision of services to be funded by the relief block grant.  
17 The plan shall include all of the following:

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

19 49.02 (1) (c) 1. How the ~~county or~~ tribal governing body will determine  
20 eligibility and how these eligibility determinations may be appealed. The procedures  
21 for determining eligibility and for notice, fair hearing, and review shall be consistent  
22 with rules promulgated by the department under sub. (7m).

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

24 49.02 (1) (c) 2. How the ~~county or~~ tribal governing body will determine which  
25 health care services are needed by a dependent person.



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

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

3           49.02 (1e) RELIEF AGENCIES. If a ~~county or~~ tribal governing agency body is  
4 eligible to receive a relief block grant, the ~~county or~~ tribal governing body shall  
5 establish or designate a relief agency to administer relief under this section.

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

7           49.02 (2) (b) The contract between the relief agency and the private health care  
8 provider provides that all records of the health care provider relating to the  
9 administration and provision of the health care services shall be open to inspection  
10 at all reasonable hours by authorized representatives of the ~~county~~ tribal governing  
11 body and the department.

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

13           49.02 (2) (f) The contract prohibits the health care provider from holding an  
14 individual recipient of health care services funded under this section liable for the  
15 difference between the costs of the health care services and the amount paid to the  
16 health care provider by the ~~county~~ tribal governing body for the services.

17           **SECTION 1135.** ✓ 49.025 of the statutes is repealed.

18           **SECTION 1136.** 49.027 of the statutes is repealed.

19           **SECTION 1138.** ✓ 49.031 of the statutes is repealed.

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

21           49.133 (1) The person has been convicted of a felony or misdemeanor that the  
22 department or county department under s. 46.215, 46.22, or 46.23 determines  
23 substantially relates to the care of children or to the operation of a business.

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

1           49.133 (4) The department or county department under s. 46.215, 46.22, or  
2           46.23 reasonably suspects that the person has intentionally and egregiously violated  
3           any provision under the program under which the payments are made or any rule  
4           related to the program.

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

6           49.136 (1) (m) "Parent" means a parent, guardian, foster parent, ~~treatment~~  
7           ~~foster parent~~, legal custodian, or a person acting in the place of a parent.

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

9           **49.139 Emergency shelter funding.** From the appropriation account under  
10          s. 20.437 (2) (f), the department shall provide \$50,000 annually, beginning on  
11          October 1, 2009, to the Emergency Shelter of the Fox Valley to provide services to  
12          homeless individuals and families.

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

14          49.141 (1) (s) "Wisconsin ~~works~~ Works group" means an individual who is a  
15          custodial parent, all dependent children with respect to whom the individual is a  
16          custodial parent, and all dependent children with respect to whom the individual's  
17          dependent child is a custodial parent. "Wisconsin ~~works~~ Works group" includes any  
18          nonmarital coparent or any spouse of the individual who resides in the same  
19          household as the individual and any dependent children with respect to whom the  
20          spouse or nonmarital coparent is a custodial parent. "~~Wisconsin works group~~" does  
21          ~~not include any person who is receiving benefits under s. 49.027 (3) (b).~~

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

23          49.143 (2) (b) Establish a children's services network. The children's services  
24          network shall provide information about community resources available to the  
25          dependent children in a Wisconsin works group, including charitable food and

1 clothing centers; subsidized and low-income housing; transportation subsidies; the  
2 state supplemental food program for women, infants and children under s. ~~49.17~~  
3 253.06; and child care programs. In a county having a population of 500,000 or more,  
4 a children's services network shall, in addition, provide a forum for those persons  
5 who are interested in the delivery of child welfare services and other services to  
6 children and families in the geographical area under sub. (6) served by that  
7 children's services network to communicate with and make recommendations to the  
8 providers of those services in that geographical area with respect to the delivery of  
9 those services in that area.

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

11 49.143 (2) (em) Determine eligibility for and administer child care assistance  
12 under s. 49.155 ~~and refer eligible families to county departments under s. 46.215,~~  
13 ~~46.22 or 46.23 for child care services, if the department contracts with the Wisconsin~~  
14 Works agency to do so.

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

16 49.145 (2) (s) The individual assigns to the state any right of the individual or  
17 of any dependent child of the individual to support or maintenance from any other  
18 person, ~~including any right to amounts~~ accruing during the time that any assistance,  
19 as defined in 45 CFR 260.31, under Wisconsin Works benefit is paid to the individual.  
20 If a minor who is a beneficiary of any assistance under Wisconsin Works benefit is  
21 also the beneficiary of support under a judgment or order that includes support for  
22 one or more children not receiving ~~a benefit under Wisconsin Works~~ that assistance,  
23 any support payment made under the judgment or order is assigned to the state  
24 during the period that the minor is a beneficiary of the Wisconsin Works benefit that  
25 assistance in the amount that is the proportionate share of the minor receiving the

1 ~~benefit under Wisconsin Works~~ assistance, except as otherwise ordered by the court  
2 on the motion of a party. Amounts assigned to the state under this paragraph remain  
3 assigned to the state until the amount due to the federal government has been  
4 recovered. No amount of support that begins to accrue after the individual ceases  
5 to receive ~~benefits~~ assistance under Wisconsin Works may be considered assigned to  
6 this state. Except as provided in s. 49.1455, any money that is received by the  
7 department in a month under an assignment to the state under this paragraph for  
8 an individual applying for or participating in Wisconsin Works and that is not the  
9 federal share of support shall be paid to the individual applying for or participating  
10 in Wisconsin Works. The department shall pay the federal share of support assigned  
11 under this paragraph as required under federal law or waiver.

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

14 49.145 (2) (s) The individual assigns to the state any right of the individual or  
15 of any dependent child of the individual to support or maintenance from any other  
16 person accruing during the time that any assistance, as defined in 45 CFR 260.31,  
17 under Wisconsin Works is paid to the individual. If a minor who is a beneficiary of  
18 any assistance under Wisconsin Works is also the beneficiary of support under a  
19 judgment or order that includes support for one or more children not receiving that  
20 assistance, any support payment made under the judgment or order is assigned to  
21 the state during the period that the minor is a beneficiary of that assistance in the  
22 amount that is the proportionate share of the minor receiving the assistance, except  
23 as otherwise ordered by the court on the motion of a party. Amounts assigned to the  
24 state under this paragraph remain assigned to the state until the amount due to the  
25 federal government has been recovered. No amount of support that begins to accrue

1 after the individual ceases to receive assistance under Wisconsin Works may be  
2 considered assigned to this state. Except as provided in s. 49.1455, any 75 percent  
3 of all money that is received by the department in a month under an assignment to  
4 the state under this paragraph for an individual applying for or participating in  
5 Wisconsin Works ~~and that is not the federal share of support~~ shall be paid to the  
6 individual applying for or participating in Wisconsin Works. The department shall  
7 pay the federal share of support assigned under this paragraph as required under  
8 federal law or waiver.

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

10 **49.1452 Payment of support arrears.** If an individual who formerly  
11 participated in, but is no longer participating in, Wisconsin Works assigned to the  
12 state under s. 49.145 (2) (s) his or her right or the right of any dependent child of the  
13 individual to support or maintenance from any other person, the department shall  
14 pay to the individual all money in support or maintenance arrears that is collected  
15 by the department after the individual's participation ceased and that accrued while  
16 the individual was participating in Wisconsin Works.

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

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

19 49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and  
20 sub. (5m), a Wisconsin ~~works~~ Works agency shall require a participant placed in a  
21 community service job program to work in a community service job for the number  
22 of hours determined by the Wisconsin ~~works~~ Works agency to be appropriate for the  
23 participant at the time of application or review, ~~but not to exceed 30 hours per week.~~  
24 ~~Except as provided in pars. (at) and (av), a Wisconsin works agency may require a~~  
25 ~~participant placed in the community service job program to participate in education~~

1 ~~or training activities for not more than 10 hours per week~~ except that the Wisconsin  
2 Works agency may not require a participant under this subsection to spend more  
3 than 40 hours per week in combined activities under this subsection.

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

5 49.147 (4) (av) *Education for 18-year-old and 19-year-old students.* A  
6 Wisconsin ~~works~~ Works agency shall permit a participant under this subsection who  
7 has not attained the age of 20 and who has not obtained a high school diploma or a  
8 declaration of equivalency of high school graduation to attend high school or, at the  
9 option of the participant, to enroll in a course of study meeting the standards  
10 established under s. 115.29 (4) for the granting of a declaration of equivalency of high  
11 school graduation to satisfy, in whole or in part, the ~~required hours of participation~~  
12 requirement under par. (as).

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

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

15 49.147 (4m) SUBSIDIZED PRIVATE SECTOR EMPLOYMENT. (a) Subject to pars. (b) and  
16 (cm), the department shall establish and administer a subsidized private sector  
17 employment program, under which participants shall be paid the benefits under s.  
18 49.148 (1) (d) for work in projects that the department determines would serve a  
19 useful public purpose or projects the cost of which is partially or wholly offset by  
20 revenue generated from such projects. An individual may participate in a project  
21 under this subsection for a maximum of 6 months, with an opportunity for an  
22 extension.

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

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

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

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

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

22           2. If the secretary determines that administering the subsidized private sector  
23 employment program in the manner provided under this subsection would  
24 necessitate changes in the federal Temporary Assistance for Needy Families block

1 grant program legislation under 42 USC 601 et seq., the secretary shall pursue the  
2 necessary changes to the federal legislation.

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

5 2. If the department determines that a waiver, an amendment to a waiver, or  
6 changes in the federal Temporary Assistance for Needy Families block grant  
7 program legislation are necessary for administering the subsidized private sector  
8 employment program in the manner provided under this section, the department  
9 may not begin operating the program under this subsection before the later of the  
10 following:

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

13 b. January 1, 2011.

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

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

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



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

2           1m.

3           **SECTION 1164.** 49.147 (5) (b) 1. c. of the statutes is renumbered 49.147 (5) (b)

4           2m.

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

6           3.

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

8           4.

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

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

11           49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),  
12          a Wisconsin ~~works~~ Works agency may require a participant placed in a transitional  
13          placement to engage in activities under par. (b) ~~1. for up to 28 hours per week. Except~~  
14          ~~as provided in sub. (5m), a Wisconsin works agency may require a participant placed~~  
15          ~~in a transitional placement to participate in education or training activities under~~  
16          ~~par. (bm) for not more than 12 hours per week~~ 1m. to 4. The Wisconsin Works agency  
17          may not require a participant under this subsection to spend more than 40 hours per  
18          week in combined activities under this subsection.

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

20           49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except  
21          as provided in par. (bL), a participant under sub. (4) (b) or (5) may participate in a  
22          technical college education program as part of a community service job placement or  
23          transitional placement if all of the following requirements are met:

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

1           49.148 (1) BENEFIT AND WAGE LEVELS FOR PARTICIPANTS IN EMPLOYMENT POSITIONS.

2           (intro.) A participant in a Wisconsin ~~works~~ Works employment position shall receive  
3           the following wages or benefits:

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

5           49.148 (1) (c) *Transitional placements.* For a participant in a transitional  
6           placement under s. 49.147 (5) or in a transitional placement and in technical college  
7           education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin ~~works~~  
8           Works agency. For every hour that the participant fails to participate in any required  
9           activity without good cause, including any activity under s. 49.147 (5) (b) ~~1. a. to e.~~  
10          1m. to 4., the grant amount shall be reduced by \$5.15. Good cause shall be  
11          determined by the financial and employment planner in accordance with rules  
12          promulgated by the department. Good cause shall include required court  
13          appearances for a victim of domestic abuse.

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

15          49.148 (1) (d) *Subsidized private sector employment.* 1. In this paragraph,  
16          “benefits” means compensation in the form of the state or federal minimum wage,  
17          whichever is higher.

18          2. For a participant in subsidized private sector employment under s. 49.147  
19          (4m), a monthly grant of not more than \$25, as well as benefits for each hour actually  
20          worked in subsidized private sector employment, up to 20 hours per week.

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

22          49.148 (1m) (title) CUSTODIAL PARENT OF INFANT, UNMARRIED, PREGNANT WOMAN.

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

24          49.148 (1m) (a) (intro.) Any of the following may receive a monthly grant of  
25          \$673:

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

2           49.148 (1m) (a) A custodial parent of a child ~~who is~~ 12 weeks old or less ~~and~~  
3           who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a  
4           monthly grant of \$673 unless another adult member of the custodial parent's  
5           Wisconsin ~~works~~ Works group is participating in, or is eligible to participate in, a  
6           Wisconsin ~~works~~ Works employment position or is employed in unsubsidized  
7           employment, as defined in s. 49.147 (1) (c). A Wisconsin ~~works~~ Works agency may  
8           not require a participant under this subsection to participate in any employment  
9           positions. Receipt of a grant under this subsection does not constitute participation  
10          in a Wisconsin ~~works~~ Works employment position for purposes of the time ~~limits~~ limit  
11          under s. 49.145 (2) (n) ~~or 49.147 (3) (c), (4) (b) or (5) (b) 2.~~ if the child is born to the  
12          participant not more than 10 months after the date that the participant was first  
13          determined to be eligible for assistance under s. 49.19 or for a Wisconsin ~~works~~ Works  
14          employment position.

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

17          49.148 (1m) (a) 1. A custodial parent of a child 12 weeks old or less who meets  
18          the eligibility requirements under s. 49.145 (2) and (3) ~~may receive a monthly grant~~  
19          ~~of \$673,~~ unless another adult member of the custodial parent's Wisconsin Works  
20          group is participating in, or is eligible to participate in, a Wisconsin Works  
21          employment position or is employed in unsubsidized employment, as defined in s.  
22          49.147 (1) (c).

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

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

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

8           49.148 (1m) (a) 2. An unmarried woman who would be eligible under s. 49.145  
9           except that she is not a custodial parent of a dependent child and who is in the 3rd  
10          trimester of a pregnancy that is medically verified and that is shown by medical  
11          documentation to be at risk and to render the woman unable to participate in the  
12          workforce.

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

14          49.148 (1m) (b) Receipt of a grant under this subsection constitutes  
15          participation in a Wisconsin ~~works~~ Works employment position for purposes of the  
16          time ~~limits under ss.~~ limit under s. 49.145 (2) (n) and 49.147 (3) (e), (4) (b) or (5) (b)  
17          ~~2.~~ if the child is born to the participant more than 10 months after the date that the  
18          participant was first determined to be eligible for assistance under s. 49.19 or for a  
19          Wisconsin ~~works~~ Works employment position unless the child was conceived as a  
20          result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother  
21          did not indicate a freely given agreement to have sexual intercourse or of incest in  
22          violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported  
23          to a physician and to law enforcement authorities.

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

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

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

12           49.148 (1m) (c) (intro.) For purposes of the time limit under s. 49.145 (2) (n),  
13 all of the following apply:

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

15           49.148 (1m) (c) 3. Receipt of a grant under this subsection by a participant  
16 under par. (a) 2. does not constitute participation in a Wisconsin Works employment  
17 position.

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

19           49.148 (4) (b) The Wisconsin ~~works~~ Works agency may require an individual  
20 who tests positive for use of a controlled substance under par. (a) to participate in a  
21 drug abuse evaluation, assessment, and treatment program as part of the  
22 participation requirement under s. 49.147 (4) ~~(as)~~ (a) and (am) or (5) ~~(bs)~~ (b) and (bm).

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

24           49.151 (1) REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to  
25 participate ~~3 times~~, as determined under guidelines promulgated under s. 49.1515,

1 in any Wisconsin ~~works~~ Works employment position component is ineligible to  
2 participate in that ~~component~~ the Wisconsin Works program for 3 months. A  
3 participant is also ineligible to participate in that ~~the~~ Wisconsin ~~works~~ employment  
4 ~~position component~~ Works program if an individual in the participant's Wisconsin  
5 ~~works~~ Works group is subject to the work requirement under s. 49.15 (2) and refuses  
6 3 times to participate as required. ~~A participant whom the Wisconsin works agency~~  
7 ~~has determined is ineligible under this section for a particular Wisconsin works~~  
8 ~~employment position component may be eligible to participate in any other~~  
9 ~~Wisconsin works employment position component in which the participant has not~~  
10 ~~refused to participate 3 times~~. A participant or an individual who is subject to the  
11 work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of  
12 the following applies:

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

14 49.151 (1) (b) The participant, or an individual who is in the participant's  
15 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.  
16 49.15 (2), fails, without good cause, as determined by the Wisconsin ~~works~~ Works  
17 agency, to appear for an interview with a prospective employer or, if the participant  
18 is in a Wisconsin ~~works~~ Works transitional placement, the participant fails to appear  
19 for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e. 1m. to~~  
20 4., without good cause, as determined by the Wisconsin ~~works~~ Works agency.

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

22 **49.1515 Determining nonparticipation without good cause. (1)**

23 **GUIDELINES BY RULE.** The department shall by rule specify guidelines for determining  
24 when a participant, or individual in the participant's Wisconsin Works group, who

1 engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating  
2 a refusal to participate.

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

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

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

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

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

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

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

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

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

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

6           49.153 (1) (am) ~~After providing written notice, explain~~ Explain to the  
7 participant orally in person or by phone, or make reasonable attempts to explain to  
8 the participant orally in person or by phone, the proposed action and the reasons for  
9 the proposed action.

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

11          49.153 (1) (c) After providing the ~~notice under par. (a) and the explanation or~~  
12 ~~the attempts to provide an explanation under par. (b), (am) and the notice under par.~~  
13 (bm), if the participant has not already been afforded a conciliation period under s.  
14 49.1515 (3) allow the participant a reasonable time to rectify the deficiency, failure,  
15 or other behavior to avoid the proposed action.

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

17          **49.155 (title) Wisconsin works Shares; child care subsidy.**

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

19          49.155 (1) (ah) "County department or agency" means a county department  
20 under s. 46.215, 46.22, or 46.23, the unit, as defined in s. 49.825 (1) (e), or a Wisconsin  
21 Works agency, child care resource and referral agency, or other agency.

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

23          49.155 (1) (c) Notwithstanding s. 49.141 (1) (j), "parent" means a custodial  
24 parent, guardian, foster parent, ~~treatment foster parent,~~ legal custodian, or a person  
25 acting in the place of a parent.



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

3           49.155 (1g) ~~DISTRIBUTION OF FUNDS~~ CHILD CARE ALLOCATIONS. (intro.) Within the  
4 limits of the availability of the federal child care and development block grant funds  
5 received under 42 USC 9858, the department shall ~~do all of the following: (a) (intro.)~~  
6 ~~Subject to sub. (1j), spend no more than the minimum amount required under 42~~  
7 ~~USC 9858 on programs to improve the quality and availability of child care. From~~  
8 ~~the appropriations under s. 20.437 (2) (cm), (kx), (mc), and (md), the department~~  
9 ~~shall allocate and distribute~~ allocate funding in each fiscal year for all of the  
10 following:

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

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

14           49.155 (1g) (bc) Grants under s. 49.134 (2) for child day care resource and  
15 referral services, in the amount of at least ~~\$1,225,000~~ \$1,298,600 per fiscal year.

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

18           49.155 (1g) (c) ~~A transfer to the appropriation account under s. 20.437 (1) (kx)~~  
19 ~~for child~~ Child care licensing activities, in the amount of at least ~~\$4,800,600~~  
20 \$5,763,900 per fiscal year.

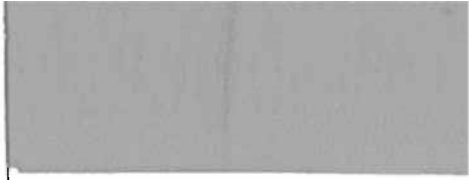
21           **SECTION 1197.** 49.155 (1g) (a) 4. of the statutes is renumbered 49.155 (1g) (d).

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

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

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

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



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

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

7           49.155 (1m) ELIGIBILITY. (intro.) ~~A Wisconsin works agency shall determine~~  
8 ~~eligibility for a~~ Except as provided in s. 49.155 (3g), the department shall contract  
9 with a county department or agency to determine the eligibility of individuals  
10 residing in a particular geographic region or who are members of a particular Indian  
11 tribal unit for child care subsidy subsidies under this section. Under this section, an  
12 individual may receive a subsidy for child care for a child who has not attained the  
13 age of 13 or, if the child is disabled, who has not attained the age of 19, if the  
14 individual meets all of the following conditions:

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

16           49.155 (1m) (a) (intro.) The individual is a parent of a child who meets the  
17 requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is  
18 disabled, is under the age of 19; or is a ~~person~~ relative who, under s. 48.57 (3m) or  
19 (3n) or 48.62, is providing care and maintenance for a child who meets the  
20 requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is  
21 disabled, is under the age of 19; and child care services for that child are needed in  
22 order for the individual to do any of the following:

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

24           49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years  
25 and the individual resides with his or her custodial parent or with a kinship care

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1 relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57  
2 (3n) or ✓ is in a foster home or treatment foster home licensed under s. 48.62, a  
3 subsidized guardianship home under s. 48.62 (5), a group home, or an independent  
4 living arrangement supervised by an adult.

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

6 49.155 (1m) (bm) If the individual is providing care for a child under a court  
7 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or  
8 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child  
9 care is needed for that child, the child meets the requirement under s. 49.145 (2) (c).

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

11 49.155 (1m) (c) 1. (intro.) Except as provided in subds. 1g., 1h., 1m., 2., and 3.,  
12 the gross income of the individual's family is at or below 185% of the poverty line for  
13 a family the size of the individual's family or, for an individual who is already  
14 receiving a child care subsidy under this section, the gross income of the individual's  
15 family is at or below 200% of the poverty line for a family the size of the individual's  
16 family. In calculating the gross income of the family, the ~~Wisconsin works agency~~  
17 department or county department or agency determining eligibility shall include  
18 court-ordered child or family support payments received by the individual, if those  
19 support payments exceed \$1,250 per month, and income described under s. 49.145  
20 (3) (b) 1. and 3., except that, in calculating farm and self-employment income, the  
21 ~~Wisconsin works agency~~ department or county department or agency determining  
22 eligibility shall include the sum of the following:

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

24 49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized  
25 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or

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

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

8 49.155 (1m) (c) 1h. If the individual is a relative of the child, is providing care  
9 for the child under a court order, and is receiving payments under s. 48.57 (3m) or  
10 (3n) on behalf of the child, the child's biological or adoptive family has a gross income  
11 that is at or below 200% of the poverty line. In calculating the gross income of the  
12 child's biological or adoptive family, the ~~Wisconsin works agency department or~~  
13 ~~county department or agency determining eligibility~~ shall include court-ordered  
14 child or family support payments received by the individual, if those support  
15 payments exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1.  
16 and 3.

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

18 49.155 (3) CHILD CARE LOCAL ADMINISTRATION. Except as provided in sub. (3g),  
19 the county department or agency with which the department contracts under sub.  
20 (1m) to determine eligibility in a particular geographic region or for a particular  
21 Indian tribal unit shall administer child care assistance in that geographic region or  
22 for that tribal unit. For the administration of child care assistance under this  
23 section, the department may require the county department or agency to do all of the  
24 following:

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

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

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

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

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

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

13 49.155 (3g) CHILD CARE ADMINISTRATION IN CERTAIN COUNTIES. In a county having  
14 a population of 500,000 or more all of the following apply:

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

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

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

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

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

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

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

5 49.155 (3m) (b) 1. Subject to subds. 2. and 3., the department shall, to the  
6 extent practicable, allocate funds to a contract entered into under sub. (1m) for the  
7 administration of the program under sub. (3) in the same proportion as the  
8 geographic region's or Indian tribal unit's proportionate share of all statewide  
9 subsidy authorizations and eligibility redeterminations under sub. (3) (e) in the  
10 12-month period before the start of the contract period.

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

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

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

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

23 49.155 (3m) (e) 1. In this paragraph, "qualifying child" means a child who  
24 satisfies both of the following:

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

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

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

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

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

15 49.155 (6) (e) The department may not increase the maximum reimbursement  
16 rates for child care providers in 2009, in 2010, or before June 30 in 2011.

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

18 49.155 (6g)✓ AUTHORIZED CHILD CARE HOURS. (a) 1. In this paragraph,  
19 “department” means the department or the county department or agency  
20 determining and authorizing the amount of child care for which an individual may  
21 receive a subsidy under this section.

22 2. Except as provided in subd. 3., the department shall authorize no more than  
23 12 hours of child care per day per child.

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

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

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

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

15           2. If the child's hourly usage tracked under subd. 1. is less than 60 percent of  
16 the authorized hours of child care in each of the 3 consecutive 2-week periods, the  
17 department shall reduce the authorized hours of child care for the child to 90 percent  
18 of the maximum number of hours of child care that the child attended during that  
19 6-week period.

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

23           4. The department shall provide a grace period of 6 weeks after the number of  
24 authorized hours are reduced under subd. 2., during which time the child care



1 subsidy amount paid to the child care provider for the child shall remain the same  
2 as before the reduction in authorized hours was made.

3 (b) The department shall exclude from a child's hourly usage calculation under  
4 par. (am) <sup>✓</sup>2., all of the following:

- 5 1. One week per year of vacation time for the child's child care provider.
- 6 2. One week per year of sick time for the child's child care provider.
- 7 3. Two weeks per year of vacation time for the child's parent who is receiving  
8 the subsidy under this section with the child.

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

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

12 49.155 (6m) CHILD CARE PROVIDER RECORDKEEPING. With respect to attendance  
13 records, a child care provider shall do all of the following:

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

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

20 **SECTION 1214d.** 49.155 (7) (a) 1. of the statutes is renumbered 49.155 (7), and  
21 49.155 (7) (a), as renumbered, is amended to read:

22 49.155 (7) (a) The person has been convicted of a felony or misdemeanor that  
23 the department or county department determines substantially relates to the care  
24 of children or to the operation of a business.

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



1           49.155 (7) (d) The department or county department reasonably suspects that  
2 the person has intentionally and egregiously violated any provision under the  
3 program under this section or any rule promulgated under this section.

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

5           49.155 (7m) PENALTIES. The department shall by rule establish policies and  
6 procedures permitting the department to do all of the following if a child care  
7 provider submits false, misleading, or irregular information to the department or if  
8 a child care provider fails to comply with the terms of the program under this section  
9 and fails to provide to the satisfaction of the department an explanation for the  
10 noncompliance:

- 11           ① Recoup payments made to the child care provider.
- 12           ② Withhold payments to be made to the child care provider.
- 13           ③ Impose a forfeiture on the child care provider.

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

15           49.159 (4) PREGNANT WOMEN. A pregnant woman whose pregnancy is medically  
16 verified, who would be eligible under s. 49.145 except that she is not a custodial  
17 parent of a dependent child, and who does not satisfy the requirements under s.  
18 49.148 (1m) (a) 2. is eligible for employment training and job search assistance  
19 services provided by the Wisconsin ~~works~~ Works agency.

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

21           **49.162 Transitional jobs demonstration project.** (1) In this section,  
22 “Wisconsin Works” has the meaning given in s. 49.141 (1) (p).

23           (2) Subject to sub. (3) (b), the department shall conduct a demonstration  
24 project, beginning on January 1, 2010, that offers transitional jobs to low-income