

1 218.0114 **(20)** (c) An applicant or licensee furnishing information under par. (a)
2 may designate the information as a trade secret, as defined in s. 134.90 (1) (c), or as
3 confidential business information. The licensor shall notify the applicant or licensee
4 providing the information 15 days before any information designated as a trade
5 secret or as confidential business information is disclosed to the legislature, a state
6 agency, as defined in s. 13.62 (2), a local governmental unit, as defined in s. 605.01
7 (1), or any other person. The applicant or licensee furnishing the information may
8 seek a court order limiting or prohibiting the disclosure, in which case the court shall
9 weigh the need for confidentiality of the information against the public interest in
10 the disclosure. A designation under this paragraph does not prohibit the disclosure
11 of a person's name or address, of the name or address of a person's employer, or of
12 financial information that relates to a person when requested under s. ~~49.22~~ 49.811
13 (2m) by the department of children and families or a county child support agency
14 under s. 59.53 (5).

15 **(21e)** (a) In addition to any other information required under this section and
16 except as provided in par. (c), an application by an individual for the issuance or
17 renewal of a license described in sub. (14) shall include the individual's social
18 security number and an application by a person who is not an individual for the
19 issuance or renewal of a license described in sub. (14) (a), (b), (c), or (e) shall include
20 the person's federal employer identification number. The licensor may not disclose
21 any information received under this paragraph to any person except the department
22 of children and families for purposes of administering s. ~~49.22~~ 49.811 or the
23 department of revenue for the sole purpose of requesting certifications under s.
24 73.0301.

1 **SECTION 385.** 218.11 (2) (am) 3. of the statutes, as affected by 2011 Wisconsin
2 Act 32, is amended to read:

3 218.11 (2) (am) 3. The department may not disclose any information received
4 under subd. 1. to any person except to the department of children and families for
5 purposes of administering s. ~~49.22~~ 49.811 or to the department of revenue for the sole
6 purpose of requesting certifications under s. 73.0301.

7 **SECTION 386.** 218.12 (2) (am) 2. of the statutes, as affected by 2011 Wisconsin
8 Act 32, is amended to read:

9 218.12 (2) (am) 2. The department may not disclose a social security number
10 obtained under par. (a) to any person except to the department of children and
11 families for the sole purpose of administering s. ~~49.22~~ 49.811 or to the department
12 of revenue for the sole purpose of requesting certifications under s. 73.0301.

13 **SECTION 387.** 218.21 (2m) (b) of the statutes is amended to read:

14 218.21 (2m) (b) The department of transportation may not disclose any
15 information received under sub. (2) (ag) or (am) to any person except to the
16 department of children and families for purposes of administering s. ~~49.22~~ 49.811 or
17 the department of revenue for the sole purpose of requesting certifications under s.
18 73.0301.

19 **SECTION 388.** 218.31 (1m) (b) of the statutes is amended to read:

20 218.31 (1m) (b) The department of transportation may not disclose any
21 information received under sub. (1) (ag) or (am) to any person except to the
22 department of children and families for purposes of administering s. ~~49.22~~ 49.811 or
23 the department of revenue for the sole purpose of requesting certifications under s.
24 73.0301.

25 **SECTION 389.** 218.41 (2) (am) 2. of the statutes is amended to read:

1 218.41 (2) (am) 2. The department of transportation may not disclose any
2 information received under subd. 1. a. or b. to any person except to the department
3 of children and families for the sole purpose of administering s. ~~49.22~~ 49.811 or the
4 department of revenue for the sole purpose of requesting certifications under s.
5 73.0301.

6 **SECTION 390.** 218.51 (3) (am) 2. of the statutes is amended to read:

7 218.51 (3) (am) 2. The department of transportation may not disclose any
8 information received under subd. 1. a. or b. to any person except to the department
9 of children and families for the sole purpose of administering s. ~~49.22~~ 49.811 or the
10 department of revenue for the sole purpose of requesting certifications under s.
11 73.0301.

12 **SECTION 391.** 227.01 (13) (im) of the statutes is repealed.

13 **SECTION 392.** 227.43 (1) (by) of the statutes is amended to read:

14 227.43 (1) (by) Assign a hearing examiner to preside over any hearing of a
15 contested case that is required to be conducted by the department of children and
16 families under ~~ch. 48 or subch. ss. 49.811 to 49.823, subch. II or III of ch. 49, or ch.~~
17 48 and that is not conducted by the secretary of children and families.

18 **SECTION 393.** 230.13 (3) (a) of the statutes is amended to read:

19 230.13 (3) (a) The director and the administrator shall provide to the
20 department of children and families or a county child support agency under s. 59.53
21 (5) information requested under s. ~~49.22~~ 49.811 (2m) that would otherwise be closed
22 to the public under this section. Information provided under this paragraph may
23 only include an individual's name and address, an individual's employer, and
24 financial information related to an individual.

25 **SECTION 394.** 230.44 (1) (h) and (i) of the statutes are amended to read:

1 230.44 (1) (h) *Decisions affecting Milwaukee County employees by the*
2 *department of health services.* A decision of the department of health services
3 relating to a Milwaukee County employee under s. ~~49.825~~ 49.009 (3) (b).

4 (i) *Decisions affecting certain county employees by the department of children*
5 *and families.* A decision of the department of children and families relating to a
6 county employee under s. ~~49.826~~ 49.011 (3) (b).

7 **SECTION 395.** 238.30 (4m) of the statutes, as affected by 2011 Wisconsin Act 32,
8 is amended to read:

9 238.30 (4m) “Member of a targeted group” means a person who resides in an
10 area designated by the federal government as an economic revitalization area, a
11 person who is employed in an unsubsidized job but meets the eligibility requirements
12 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who
13 is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay
14 project position under s. 49.147 (3m), 2009 stats., a person who is eligible for child
15 care assistance under s. 49.155, a person who is a vocational rehabilitation referral,
16 an economically disadvantaged youth, an economically disadvantaged veteran, a
17 supplemental security income recipient, a general assistance recipient, an
18 economically disadvantaged ex-convict, a dislocated worker, as defined in 29 USC
19 2801 (9), or a ~~food stamp~~ recipient of benefits under the supplemental nutrition
20 assistance program under 7 USC 2011 to 2036, if the person has been certified in the
21 manner under 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26
22 USC 51 (d) (12).

23 **SECTION 396.** 252.06 (10) (b) 4. of the statutes is amended to read:

24 252.06 (10) (b) 4. The expense of care provided under par. (a) to any dependent
25 person, as defined in s. ~~49.01~~ 49.801 (2).

1 **SECTION 397.** 252.07 (10) of the statutes is amended to read:

2 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
3 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are
4 not eligible for federal medicare benefits, for medical assistance under subch. IV of
5 ch. 49 or for health care services funded by a relief block grant under ~~subch. II of ch.~~
6 49 ss. 49.801 to 49.808 may be reimbursed if provided by a facility contracted by the
7 department. If the patient has private health insurance, the state shall pay the
8 difference between health insurance payments and total charges.

9 **SECTION 398.** 291.15 (2) (d) of the statutes is amended to read:

10 291.15 (2) (d) *Use of confidential records.* Except as provided under par. (c) and
11 this paragraph, the department or the department of justice may use records and
12 other information granted confidential status under this subsection only in the
13 administration and enforcement of this chapter. The department or the department
14 of justice may release for general distribution records and other information granted
15 confidential status under this subsection if the owner or operator expressly agrees
16 to the release. The department or the department of justice may release on a limited
17 basis records and other information granted confidential status under this
18 subsection if the department or the department of justice is directed to take this
19 action by a judge or hearing examiner under an order which protects the
20 confidentiality of the records or other information. The department or the
21 department of justice may release to the U.S. environmental protection agency or its
22 authorized representative records and other information granted confidential status
23 under this subsection if the department or the department of justice includes in each
24 release of records or other information a request to the U.S. environmental
25 protection agency or its authorized representative to protect the confidentiality of

1 the records or other information. The department or the department of justice shall
2 provide to the department of children and families or a county child support agency
3 under s. 59.53 (5) the name and address of an individual, the name and address of
4 the individual's employer, and financial information related to the individual that is
5 contained in records or other information granted confidential status under this
6 subsection if requested under s. ~~49.22~~ 49.811 (2m) by the department of children and
7 families or a county child support agency under s. 59.53 (5).

8 **SECTION 399.** 301.12 (14) (b) and (g) of the statutes are amended to read:

9 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
10 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the
11 parent's minor child who has been placed by a court order under s. 938.183, 938.355,
12 or 938.357 in a residential, nonmedical facility such as a group home, foster home,
13 residential care center for children and youth, or juvenile correctional institution
14 shall be determined by the court by using the percentage standard established by the
15 department of children and families under s. ~~49.22~~ 49.811 (9) and by applying the
16 percentage standard in the manner established by the department under par. (g).

17 (g) For purposes of determining child support under par. (b), the department
18 shall promulgate rules related to the application of the standard established by the
19 department of children and families under s. ~~49.22~~ 49.811 (9) to a child support
20 obligation for the care and maintenance of a child who is placed by a court order
21 under s. 938.183, 938.355, or 938.357 in a residential, nonmedical facility. The rules
22 shall take into account the needs of any person, including dependent children other
23 than the child, whom either parent is legally obligated to support.

24 **SECTION 400.** 301.45 (7) (a) of the statutes is amended to read:

1 301.45 (7) (a) The department shall maintain information provided under sub.
2 (2). The department shall keep the information confidential except as provided in
3 ss. 301.03 (14) and 301.46, except as needed for law enforcement purposes and except
4 to provide, in response to a request for information under s. ~~49.22~~ 49.811 (2m) made
5 by the department of children and families or a county child support agency under
6 s. 59.53 (5), the name and address of an individual registered under this section, the
7 name and address of the individual's employer, and financial information related to
8 the individual.

9 **SECTION 401.** 302.372 (2) (b) of the statutes is amended to read:

10 302.372 (2) (b) Before seeking any reimbursement under this section, the
11 county shall provide a form to be used for determining the financial status of
12 prisoners. The form shall provide for obtaining the social security number of the
13 prisoner, the age and marital status of a prisoner, the number and ages of children
14 of a prisoner, the number and ages of other dependents of a prisoner, the income of
15 a prisoner, type and value of real estate owned by a prisoner, type and value of
16 personal property owned by a prisoner, the prisoner's cash and financial institution
17 accounts, type and value of the prisoner's investments, pensions, and annuities, and
18 any other personalty of significant cash value owned by a prisoner. The county shall
19 use the form whenever investigating the financial status of prisoners. The
20 information on a completed form is confidential and not open to public inspection or
21 copying under s. 19.35 (1), except that the county shall provide the name and address
22 of an individual, the name and address of the individual's employer, and financial
23 information related to the individual from a form completed under this paragraph
24 in response to a request for information under s. ~~49.22~~ 49.811 (2m) made by the

SECTION 401

1 department of children and families or a county child support agency under s. 59.53
2 (5).

3 **SECTION 402.** 341.51 (4g) (b) of the statutes is amended to read:

4 341.51 (4g) (b) The department of transportation may not disclose any
5 information obtained under sub. (4) (am) or (ar) to any person except to the
6 department of children and families for the sole purpose of administering s. ~~49.22~~
7 49.811 or the department of revenue for the sole purpose of requesting certifications
8 under s. 73.0301.

9 **SECTION 403.** 342.06 (1) (eg) of the statutes is amended to read:

10 342.06 (1) (eg) Except as provided in par. (eh), if the applicant is an individual,
11 the social security number of the applicant. The department of transportation may
12 not disclose a social security number obtained under this paragraph to any person
13 except to the department of children and families for the sole purpose of
14 administering s. ~~49.22~~ 49.811 and to the department of revenue for the purposes of
15 administering state taxes and collecting debt.

16 **SECTION 404.** 343.14 (2j) of the statutes is amended to read:

17 343.14 (2j) Except as otherwise required to administer and enforce this
18 chapter, the department of transportation may not disclose a social security number
19 obtained from an applicant for a license under sub. (2) (bm) to any person except to
20 the department of children and families for the sole purpose of administering s. ~~49.22~~
21 49.811, to the department of revenue for the purposes of administering state taxes
22 and collecting debt, or to the driver licensing agency of another jurisdiction.

23 **SECTION 405.** 343.305 (6) (e) 3. b. of the statutes is amended to read:

24 343.305 (6) (e) 3. b. The licensor may not disclose any information received
25 under subd. 2. a. or b. except to the department of children and families for purposes

1 of administering s. ~~49.22~~ 49.811 or the department of revenue for the sole purpose
2 of requesting certifications under s. 73.0301.

3 **SECTION 406.** 343.50 (8) (b) of the statutes is amended to read:

4 343.50 (8) (b) The department may not disclose any record or other information
5 concerning or relating to an applicant or identification card holder to any person
6 other than a court, district attorney, county corporation counsel, city, village, or town
7 attorney, law enforcement agency, driver licensing agency of another jurisdiction, a
8 procurement organization as provided in sub. (4m) (a), the applicant or identification
9 card holder or, if the applicant or identification card holder is under 18 years of age,
10 his or her parent or guardian. Except for photographs for which disclosure is
11 authorized under s. 343.237, persons entitled to receive any record or other
12 information under this paragraph shall not disclose the record or other information
13 to other persons or agencies. This paragraph does not prohibit the disclosure of a
14 person's name or address, of the name or address of a person's employer, or of
15 financial information that relates to a person when requested under s. ~~49.22~~ 49.811
16 (2m) by the department of children and families or a county child support agency
17 under s. 59.53 (5).

18 **SECTION 407.** 343.61 (2) (b) of the statutes is amended to read:

19 343.61 (2) (b) The department of transportation may not disclose any
20 information received under par. (a) 1. or 2. to any person except to the department
21 of children and families for purposes of administering s. ~~49.22~~ 49.811 or the
22 department of revenue for the sole purpose of requesting certifications under s.
23 73.0301.

24 **SECTION 408.** 343.62 (2) (b) of the statutes is amended to read:

1 343.62 (2) (b) The department of transportation may not disclose a social
2 security number obtained under par. (a) to any person except to the department of
3 children and families for the sole purpose of administering s. ~~49.22~~ 49.811 or the
4 department of revenue for the sole purpose of requesting certifications under s.
5 73.0301.

6 **SECTION 409.** 349.19 of the statutes is amended to read:

7 **349.19 Authority to require accident reports.** Any city, village, town, or
8 county may by ordinance require the operator of a vehicle involved in an accident to
9 file with a designated municipal department or officer a report of such accident or
10 a copy of any report required to be filed with the department. All such reports are
11 for the confidential use of such department or officer and are otherwise subject to s.
12 346.73, except that this section does not prohibit the disclosure of a person's name
13 or address, of the name or address of a person's employer, or of financial information
14 that relates to a person when requested under s. ~~49.22~~ 49.811 (2m) to the department
15 of children and families or a county child support agency under s. 59.53 (5).

16 **SECTION 410.** 440.03 (11m) (c) of the statutes, as affected by 2011 Wisconsin Act
17 32, is amended to read:

18 440.03 (11m) (c) The department of safety and professional services may not
19 disclose a social security number obtained under par. (a) to any person except the
20 coordinated licensure information system under s. 441.50 (7); the department of
21 children and families for purposes of administering s. ~~49.22~~ 49.811; and, for a social
22 security number obtained under par. (a) 1., the department of revenue for the
23 purpose of requesting certifications under s. 73.0301 and administering state taxes.

24 **SECTION 411.** 440.43 (5) of the statutes is amended to read:

1 440.43 (5) DEPARTMENT DISCLOSURE. The department shall not disclose
2 information under sub. (4) (c) 1. except to the extent necessary for investigative or
3 law enforcement purposes and except that the department may, if requested under
4 s. ~~49.22~~ 49.811 (2m), disclose information regarding the name, address or employer
5 of or financial information related to an individual to the department of children and
6 families or a county child support agency under s. 59.53 (5).

7 **SECTION 412.** 440.44 (10) of the statutes is amended to read:

8 440.44 (10) NONDISCLOSURE. The department may not disclose information
9 under sub. (9) (a) 1. to any person except to the extent necessary for investigative or
10 law enforcement purposes and except that the department may, if requested under
11 s. ~~49.22~~ 49.811 (2m), disclose information regarding the name, address or employer
12 of, or financial information related to an individual to the department of children and
13 families or a county child support agency under s. 59.53 (5).

14 **SECTION 413.** 440.92 (6) (d) of the statutes is amended to read:

15 440.92 (6) (d) All records described under pars. (b) 2. and (c) and maintained
16 by the board are confidential and are not available for inspection or copying under
17 s. 19.35 (1). This paragraph does not apply to any information regarding the name,
18 address or employer of, or financial information related to an individual that is
19 requested under s. ~~49.22~~ 49.811 (2m) by the department of children and families or
20 a county child support agency under s. 59.53 (5).

21 **SECTION 414.** 461.02 (9) (bm) 3. of the statutes is amended to read:

22 461.02 (9) (bm) 3. The requester is the department of children and families or
23 a county child support agency under s. 59.53 (5), the request is made under s. ~~49.22~~
24 49.811 (2m), and the request is limited to the name, home address, and business
25 address of the applicant, registrant, or controlling person who is the subject of the

1 request and any financial information about the applicant, registrant, or controlling
2 person contained in the record.

3 **SECTION 415.** 562.05 (8m) (a) of the statutes is amended to read:

4 562.05 (8m) (a) If the applicant for any license is an individual, the department
5 shall disclose his or her social security number to the department of children and
6 families for the purpose of administering s. ~~49.22~~ 49.811 and to the department of
7 revenue for the purpose of requesting certifications under s. 73.0301.

8 **SECTION 416.** 563.28 (2) of the statutes is amended to read:

9 563.28 (2) The department shall disclose the social security number of any
10 applicant for a supplier's license to the department of children and families for the
11 purpose of administering s. ~~49.22~~ 49.811.

12 **SECTION 417.** 628.095 (4) (a) of the statutes is amended to read:

13 628.095 (4) (a) The commissioner shall disclose a social security number
14 obtained under sub. (1) or (3) to the department of children and families in the
15 administration of s. ~~49.22~~ 49.811, as provided in a memorandum of understanding
16 entered into under s. 49.857.

17 **SECTION 418.** 632.69 (2) (c) of the statutes is amended to read:

18 632.69 (2) (c) The commissioner may not issue a license under this subsection
19 unless the applicant provides his or her social security number or its federal
20 employer identification number or, if the applicant does not have a social security
21 number, a statement made or subscribed under oath or affirmation that the
22 applicant does not have a social security number. An applicant who is providing a
23 statement that he or she does not have a social security number, shall provide that
24 statement along with the application for a license on a form prescribed by the
25 department of children and families. A licensee shall provide to the commissioner

1 the licensee's social security number, statement the licensee does not have the social
2 security number, or federal employment identification number of the licensee at the
3 time that the annual license renewal fee is paid, if not previously provided. The
4 commissioner shall disclose a social security number obtained from an applicant or
5 licensee to the department of children and families in the administration of s. ~~49.22~~
6 49.811, as provided in a memorandum of understanding entered into under s. 49.857.
7 The commissioner may disclose the social security number or federal employment
8 identification number of an applicant or licensee to the department of revenue for the
9 purpose of requesting certifications under s. 73.0301.

10 **SECTION 419.** 633.14 (2c) (a) of the statutes is amended to read:

11 633.14 (2c) (a) The commissioner shall disclose a social security number
12 obtained under sub. (1) (d) to the department of children and families in the
13 administration of s. ~~49.22~~ 49.811, as provided in a memorandum of understanding
14 entered into under s. 49.857.

15 **SECTION 420.** 751.15 (2) of the statutes is amended to read:

16 751.15 (2) The supreme court is requested to promulgate rules that require
17 each person who has a social security number, as a condition of membership in the
18 state bar, to provide the board of bar examiners with his or her social security
19 number, that require each person who does not have a social security number, as a
20 condition of membership in the state bar, to provide the board of bar examiners with
21 a statement made or subscribed under oath or affirmation on a form prescribed by
22 the department of children and families that the person does not have a social
23 security number, and that prohibit the disclosure of that number to any person
24 except the department of children and families for the purpose of administering s.
25 ~~49.22~~ 49.811.

1 **SECTION 421.** 767.127 (4) of the statutes is amended to read:

2 767.127 (4) **FAILURE TO TIMELY FILE.** If either party fails timely to file a complete
3 disclosure statement as required by this section, the court may accept as accurate
4 any information provided in the statement of the other party or obtained under s.
5 ~~49.22~~ 49.811 (2m) by the department or the county child support agency under s.
6 59.53 (5).

7 **SECTION 422.** 767.205 (2) (a) 1. and 2. and (b) 1. and 2. of the statutes are
8 amended to read:

9 767.205 (2) (a) 1. An action to establish paternity whenever there is a
10 completed application for legal services filed with the child support program under
11 s. ~~49.22~~ 49.811 or whenever s. 767.80 (6m) or (6r) applies.

12 2. An action to establish or enforce a child support or maintenance obligation
13 whenever there is a completed application for legal services filed with the child
14 support program under s. ~~49.22~~ 49.811.

15 (b) 1. Except as provided in subd. 2., in any action affecting the family under
16 a child support enforcement program, an attorney acting under s. ~~49.22~~ 49.811 or
17 59.53 (5), including any district attorney or corporation counsel, represents only the
18 state. Child support services provided by an attorney as specified in par. (a) do not
19 create an attorney-client relationship with any other party.

20 2. Subdivision 1. does not apply to an attorney who is employed by the
21 department under s. ~~49.22~~ 49.811 or a county under s. 59.53 (5) or (6) (a) to act as the
22 guardian ad litem of the minor child for the purpose of establishing paternity.

23 **SECTION 423.** 767.215 (1) (b) and (2m) (a) 2. of the statutes are amended to read:

24 767.215 (1) (b) The clerk of court shall provide without charge, to each person
25 filing a petition requesting child support, a document setting forth the percentage

1 standard established by the department under s. ~~49.22~~ 49.811 (9) and listing the
2 factors that a court may consider under s. 767.511 (1m).

3 **(2m)** (a) 2. Shall be accompanied by a document, provided without charge by
4 the clerk of court, setting forth the percentage standard established by the
5 department under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider
6 under s. 767.511 (1m).

7 **SECTION 424.** 767.225 (1n) (b) 1. of the statutes is amended to read:

8 767.225 **(1n)** (b) 1. If the court makes a temporary child support order that
9 deviates from the amount of support that would be required by using the percentage
10 standard established by the department under s. ~~49.22~~ 49.811 (9), the court shall
11 comply with the requirements of s. 767.511 (1n).

12 **SECTION 425.** 767.241 (1) (b) of the statutes is amended to read:

13 767.241 **(1)** (b) If one party receives services under s. ~~49.22~~ 49.811 or services
14 provided by the state or county as a result of an assignment of income under s. 49.19,
15 order the other party to pay any fee chargeable under s. ~~49.22~~ 49.811 (6) or the cost
16 of services rendered by the state or county under s. 49.19.

17 **SECTION 426.** 767.241 (3) of the statutes is amended to read:

18 767.241 **(3)** TO WHOM PAID. The court may order that the amount be paid directly
19 to the attorney or to the state or the county providing services under s. ~~49.22~~ 49.19
20 or 49.811, who may enforce the order in its name.

21 **SECTION 427.** 767.407 (1) (c) 1. of the statutes is amended to read:

22 767.407 **(1)** (c) 1. Aid is provided under s. 48.57 (3m) or (3n), 48.645, 49.19, or
23 49.45 on behalf of the child, or benefits are provided to the child's custodial parent
24 under ss. 49.141 to 49.161, but the state and its delegate under s. ~~49.22~~ 49.811 (7)

1 are barred by a statute of limitations from commencing an action under s. 767.80 on
2 behalf of the child.

3 **SECTION 428.** 767.407 (1) (c) 2. of the statutes is amended to read:

4 767.407 (1) (c) 2. An application for legal services has been filed with the child
5 support program under s. ~~49.22~~ 49.811 on behalf of the child, but the state and its
6 delegate under s. ~~49.22~~ 49.811 (7) are barred by a statute of limitations from
7 commencing an action under s. 767.80 on behalf of the child.

8 **SECTION 429.** 767.511 (1g) and (1j) of the statutes are amended to read:

9 767.511 (1g) CONSIDERATION OF FINANCIAL INFORMATION. In determining child
10 support payments, the court may consider all relevant financial information or other
11 information relevant to the parent's earning capacity, including information
12 reported under s. ~~49.22~~ 49.811 (2m) to the department or the county child support
13 agency under s. 59.53 (5).

14 (1j) PERCENTAGE STANDARD GENERALLY REQUIRED. Except as provided in sub.
15 (1m), the court shall determine child support payments by using the percentage
16 standard established by the department under s. ~~49.22~~ 49.811 (9).

17 **SECTION 430.** 767.521 (intro.) of the statutes is amended to read:

18 **767.521 Action by state for child support.** (intro.) The state or its delegate
19 under s. ~~49.22~~ 49.811 (7) shall bring an action for support of a minor child under s.
20 767.001 (1) (f) or for paternity determination and child support under s. 767.80 if the
21 child's right to support is assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b)
22 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the
23 following apply:

24 **SECTION 431.** 767.55 (2) (am) (intro.) and 1m. and (c) of the statutes are
25 amended to read:

1 767.55 (2) (am) (intro.) In an action for modification of a child support order
2 under s. 767.59, an action in which an order for child support is required under s.
3 767.511 (1), 767.805 (4), or 767.89 (3), or a contempt of court proceeding to enforce
4 a child support or family support order in a county that contracts under s. ~~49.36~~
5 49.163 (2), the court may order a parent who is not a custodial parent to register for
6 a work experience and job training program under s. ~~49.36~~ 49.163 if all of the
7 following conditions are met:

8 1m. If the parent resides in a county other than the county in which the court
9 action or proceeding takes place, the parent resides in a county with a work
10 experience and job training program under s. ~~49.36~~ 49.163 and that county agrees
11 to enroll the parent in the program.

12 (c) If the court enters an order under par. (am), it shall order the parent to pay
13 child support equal to the amount determined by applying the percentage standard
14 established under s. ~~49.22~~ 49.811 (9) or equal to the amount of child support that the
15 parent was ordered to pay in the most recent determination of support under this
16 chapter. The child support obligation ordered under this paragraph continues until
17 the parent makes timely payment in full for 3 consecutive months or until the person
18 participates in the program under s. ~~49.36~~ 49.163 for 16 weeks, whichever occurs
19 first. The court shall provide in its order that the parent shall make child support
20 payments calculated under s. 767.511 (1j) or (1m) after the obligation to make
21 payments ordered under this paragraph ceases.

22 **SECTION 432.** 767.553 (1) (a) and (b) of the statutes are amended to read:

23 767.553 (1) (a) An order for child or family support under this chapter may
24 provide for an annual adjustment in the amount to be paid based on a change in the
25 payer's income if the amount of child or family support is expressed in the order as

1 a fixed sum and based on the percentage standard established by the department
2 under s. ~~49.22~~ 49.811 (9). No adjustment may be made under this section unless the
3 order provides for the adjustment.

4 (b) An adjustment under this section may not be made more than once in a year
5 and shall be determined on the basis of the percentage standard established by the
6 department under s. ~~49.22~~ 49.811 (9).

7 **SECTION 433.** 767.59 (1f) (b) 4. and (c) 1. and (2) (a) of the statutes are amended
8 to read:

9 767.59 (1f) (b) 4. A difference between the amount of child support ordered by
10 the court to be paid by the payer and the amount that the payer would have been
11 required to pay based on the percentage standard established by the department
12 under s. ~~49.22~~ 49.811 (9) if the court did not use the percentage standard in
13 determining the child support payments and did not provide the information
14 required under s. 46.10 (14) (d), 49.345 (14) (d), 301.12 (14) (d), or 767.511 (1n),
15 whichever is appropriate.

16 (c) 1. Unless the amount of child support is expressed in the judgment or order
17 as a percentage of parental income, a change in the payer's income, evidenced by
18 information received under s. ~~49.22~~ 49.811 (2m) by the department or the county
19 child support agency under s. 59.53 (5) or by other information, from the payer's
20 income determined by the court in its most recent judgment or order for child
21 support, including a revision of a child support order under this section.

22 (2) (a) Except as provided in par. (b) or (c), if the court revises a judgment or
23 order with respect to child support payments, it shall do so by using the percentage
24 standard established by the department under s. ~~49.22~~ 49.811 (9).

25 **SECTION 434.** 767.80 (1) (j), (5) (b) and (7) of the statutes are amended to read:

1 767.80 (1) (j) A parent of a person listed under par. (b), (c) or (d), if the parent
2 is liable or is potentially liable for maintenance of a child of a dependent person under
3 s. ~~49.90~~ 49.039 (1) (a) 2.

4 (5) (b) An action under this section may be joined with any other action for child
5 support and is governed by the procedures specified in s. 767.205 relating to child
6 support, except that the title of the action shall be "In re the paternity of A.B." The
7 petition shall state the name and date of birth of the child if born or that the mother
8 is pregnant if the child is unborn, the name of any alleged father, whether or not an
9 action by any of the parties to determine the paternity of the child or rebut the
10 presumption of paternity to the child has at any time been commenced, or is pending
11 before any court, in this state or elsewhere. If a paternity judgment has been
12 rendered, or if a paternity action has been dismissed, the petition shall state the
13 court that rendered the judgment or dismissed the action, and the date and the place
14 the judgment was granted if known. The petition shall also give notice of a party's
15 right to request a genetic test under s. ~~49.225~~ 49.817 or 767.84.

16 (7) CLERK TO PROVIDE DOCUMENT. The clerk of court shall provide without charge
17 to each person bringing an action under this section, except to the state under sub.
18 (1) (g) or (6m), a document setting forth the percentage standard established by the
19 department under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider
20 under s. 767.511 (1m).

21 **SECTION 435.** 767.813 (6) of the statutes is amended to read:

22 767.813 (6) DOCUMENT. The summons served on the respondent shall be
23 accompanied by a document, provided without charge by the clerk of court, setting
24 forth the percentage standard established by the department under s. ~~49.22~~ 49.811
25 (9) and listing the factors that a court may consider under s. 767.511 (1m).

1 **SECTION 436.** 767.83 (3) of the statutes is amended to read:

2 767.83 **(3)** APPEARANCE BY STATE'S ATTORNEY NOT AFFECTED. This section does not
3 prevent an attorney responsible for support enforcement under s. 59.53 (6) (a) or any
4 other attorney employed under s. ~~49.22~~ 49.811 or 59.53 (5) from appearing in any
5 paternity action as provided under s. 767.80 (6).

6 **SECTION 437.** 767.84 (1) (a), (1m) and (5) (b) of the statutes are amended to read:

7 767.84 **(1)** (a) The court may, and upon request of a party shall, require the
8 child, mother, any male for whom there is probable cause to believe that he had
9 sexual intercourse with the mother during a possible time of the child's conception,
10 or any male witness who testifies or will testify about his sexual relations with the
11 mother at a possible time of conception to submit to genetic tests. Probable cause of
12 sexual intercourse during a possible time of conception may be established by a
13 sufficient petition or affidavit of the child's mother or an alleged father, filed with the
14 court, or after an examination under oath of a party or witness, when the court
15 determines that an examination is necessary. The court is not required to order a
16 person who has undergone a genetic test under s. ~~49.225~~ 49.817 to submit to another
17 test under this paragraph unless a party requests additional tests under sub. (2).

18 **(1m)** REBUTTABLE PRESUMPTION. If genetic tests ordered under this section or
19 s. ~~49.225~~ 49.817 show that the alleged father is not excluded and that the statistical
20 probability of the alleged father's parentage is 99.0% or higher, the alleged father
21 shall be rebuttably presumed to be the child's parent.

22 **(5)** (b) If 2 or more identical series of genetic tests are performed upon the same
23 person, regardless of whether the tests were ordered under this section or s. ~~49.225~~
24 49.817 or 767.863 (2), the court shall require the person requesting the 2nd or

1 subsequent series of tests to pay for the series in advance, unless the court finds that
2 the person is indigent.

3 **SECTION 438.** 767.85 (2) of the statutes is amended to read:

4 767.85 (2) CONSIDERATIONS. Before making any temporary order under sub. (1),
5 the court shall consider those factors that the court is required to consider when
6 granting a final judgment on the same subject matter. If the court makes a
7 temporary child support order that deviates from the amount of support that would
8 be required by using the percentage standard established by the department under
9 s. ~~49.22~~ 49.811 (9), the court shall comply with the requirements of s. 767.511 (1n).

10 **SECTION 439.** 767.853 (2) of the statutes is amended to read:

11 767.853 (2) INFORMATION ACCESS TO DEPARTMENT AND CHILD SUPPORT AGENCIES.
12 The clerk of circuit court shall provide access to the record of any pending paternity
13 proceeding to the department or any county child support agency under s. 59.53 (5)
14 for purposes related to administering the child and spousal support and
15 establishment of paternity and medical support liability program under ss. ~~49.22~~
16 49.811 and 59.53 (5), regardless of whether the department or county child support
17 agency is a party to the proceeding.

18 **SECTION 440.** 767.863 (2) of the statutes is amended to read:

19 767.863 (2) ORDER FOR TESTS. If at the first appearance it appears from a
20 sufficient petition or affidavit of the child's mother or an alleged father or from sworn
21 testimony of the child's mother or an alleged father that there is probable cause to
22 believe that any of the males named has had sexual intercourse with the mother
23 during a possible time of the child's conception, the court may, or upon the request
24 of any party shall, order any of the named persons to submit to genetic tests. The
25 tests shall be conducted in accordance with s. 767.84. The court is not required to

1 order a person who has undergone a genetic test under s. ~~49.225~~ 49.817 to submit to
2 another genetic test under this subsection unless a party requests additional tests
3 under s. 767.84 (2).

4 **SECTION 441.** 767.87 (1) (c) of the statutes is amended to read:

5 767.87 (1) (c) Genetic test results under s. ~~49.225~~ 49.817, 767.84, or 885.23.

6 **SECTION 442.** 767.893 (2) (b) 2. of the statutes is amended to read:

7 767.893 (2) (b) 2. The alleged father who fails to appear has had genetic tests
8 under s. ~~49.225~~ 49.817 or 767.84 showing that the alleged father is not excluded and
9 that the statistical probability of the alleged father's parentage is 99.0 percent or
10 higher.

11 **SECTION 443.** 802.10 (1) of the statutes is amended to read:

12 802.10 (1) APPLICATION. This section applies to all actions and special
13 proceedings except appeals taken to circuit court; actions seeking the remedy
14 available by certiorari, habeas corpus, mandamus, prohibition, and quo warranto;
15 actions in which all defendants are in default; provisional remedies; and actions
16 under ss. ~~49.90~~ 49.039 and s. 66.0114 and chs. 48, 54, 102, 108, 227, 348, 767, 778,
17 799 and 812, and proceedings under chs. 851 to 882.

18 **SECTION 444.** 803.03 (2) (a) and (bm) of the statutes are amended to read:

19 803.03 (2) (a) *Joinder of related claims.* A party asserting a claim for
20 affirmative relief shall join as parties to the action all persons who at the
21 commencement of the action have claims based upon subrogation to the rights of the
22 party asserting the principal claim, derivation from the principal claim, or
23 assignment of part of the principal claim. For purposes of this section, a person's
24 right to recover for loss of consortium shall be deemed a derivative right. Any public
25 assistance recipient or any estate of such a recipient asserting a claim against a 3rd

1 party for which the public assistance provider has a right of subrogation or
2 assignment under s. ~~49.89~~ 49.037 (2) or (3) shall join the provider as a party to the
3 claim. Any party asserting a claim based upon subrogation to part of the claim of
4 another, derivation from the rights or claim of another, or assignment of part of the
5 rights or claim of another shall join as a party to the action the person to whose rights
6 the party is subrogated, from whose claim the party derives his or her rights or claim,
7 or by whose assignment the party acquired his or her rights or claim.

8 (bm) *Joinders because of implication of medical assistance.* If the department
9 of health services is joined as a party pursuant to par. (a) and s. ~~49.89~~ 49.037 (2)
10 because of the provision of benefits under subch. IV of ch. 49, the department of
11 health services need not sign a waiver of the right to participate in order to have its
12 interests represented by the party that caused the joinder. If the department of
13 health services makes no selection under par. (b), the party causing the joinder shall
14 represent the interests of the department of health services and the department of
15 health services shall be bound by the judgment in the action.

16 **SECTION 445.** 812.30 (9) of the statutes is amended to read:

17 812.30 (9) "Need-based public assistance" means aid to families with
18 dependent children, relief funded by a relief block grant under ch. 49, relief provided
19 by counties under s. 59.53 (21), ~~medical assistance~~ Medical Assistance,
20 supplemental security income, ~~food stamps~~ supplemental nutrition assistance
21 program benefits, or benefits received by veterans under s. 45.40 (1m) or under 38
22 USC 501 to 562.

23 **SECTION 446.** 812.44 (4) 2. (form) of the statutes is amended to read:

24 812.44 (4) 2. (form) You receive aid to families with dependent children, relief
25 funded by a relief block grant under ch. 49, relief provided by counties under section

1 s. 59.53 (21) of the Wisconsin Statutes, ~~medical assistance~~ Medical Assistance,
2 supplemental security income, ~~food stamps~~ supplemental nutrition assistance
3 program benefits, or veterans benefits based on need under 38 USC 501 to 562 or
4 section 45.351 (1) of the Wisconsin Statutes, or have received these benefits within
5 the past 6 months.

6 **SECTION 447.** 812.44 (5) 2. (form) of the statutes is amended to read:

7 812.44 (5) 2. (form) I receive, am eligible for, or have within 6 months received,
8 aid to families with dependent children, relief funded by a relief block grant under
9 ch. 49, relief provided by counties under section 59.53 (21) of the Wisconsin Statutes,
10 ~~medical assistance~~ Medical Assistance, supplemental security income, ~~food stamps~~
11 supplemental nutrition assistance program benefits, or veterans benefits based on
12 need under 38 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes.

✓ ****NOTE: I added s. 812.44 (4) and (5) to update the food stamp language.

13 **SECTION 448.** 813.12 (5) (b) of the statutes is amended to read:

14 813.12 (5) (b) The clerk of circuit court shall provide the simplified forms
15 provided under s. ~~49.165~~ 49.217 (3) (c) to help a person file a petition.

16 **SECTION 449.** 814.03 (3) of the statutes is amended to read:

17 814.03 (3) Notwithstanding subs. (1) and (2), where the department of health
18 services or a county is joined as a plaintiff pursuant to ss. ~~49.89~~ 49.037 (2) and 803.03
19 (2) (a) because of the provision of benefits under subch. IV of ch. 49, the department
20 of health services or the county shall not be liable for costs to any prevailing
21 defendant.

22 **SECTION 450.** 814.29 (1) (d) 1. of the statutes is amended to read:

23 814.29 (1) (d) 1. That the person is a recipient of means-tested public
24 assistance, including aid to families with dependent children, relief funded by a relief

1 block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical
2 assistance Medical Assistance, supplemental security income, ~~food stamps~~
3 supplemental nutrition assistance program benefits, or benefits received by
4 veterans under s. 45.40 (1m) or under 38 USC 501 to 562.

5 **SECTION 451.** 815.18 (13) (a) of the statutes is amended to read:

6 815.18 (13) (a) Assistance benefits exempt under s. ~~49.96~~ 49.043.

7 **SECTION 452.** 859.07 (2) (a) 2. of the statutes is amended to read:

8 859.07 (2) (a) 2. The decedent was responsible for any obligation owing to the
9 state or a county under s. 46.03 (18), 46.10, 48.36, ~~49.32~~ 49.06 (1), 49.345, 301.03 (18),
10 301.12, or 938.36.

11 **SECTION 453.** 859.15 of the statutes is amended to read:

12 **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11),
13 ~~49.08~~, 49.195 (1), 49.345 (11), 49.808, and 301.12 (11), a claim shall not be allowed
14 that was barred by any statute of limitations at the time of the decedent's death. A
15 claim shall not be barred by statutes of limitation that was not barred at the time of
16 the decedent's death if the claim is filed against the decedent's estate in the court on
17 or before the deadline for filing a claim under s. 859.01.

18 **SECTION 454.** 885.01 (5) of the statutes is amended to read:

19 885.01 (5) By the department of children and families or a county child support
20 agency under s. 59.53 (5) in the administration of ss. 49.145, 49.19, ~~49.22~~, 49.46,
21 49.47, ~~and 49.471~~, and 49.811 and programs carrying out the purposes of 7 USC 2011
22 to ~~2029~~ 2036.

✓ ******NOTE:** I corrected the citation to include all of the supplemental nutritional
assistance program. Please let me know if this is inconsistent with the intent of the
committee.

23 **SECTION 455.** 895.45 (1) (a) of the statutes is amended to read:

1 895.45 (1) (a) "Abusive conduct" means domestic abuse, as defined under s.
2 ~~49.165~~ 49.217 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under
3 s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault
4 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under
5 ss. 948.02 to 948.11.

6 **SECTION 456.** 938.30 (6) (b) of the statutes is amended to read:

7 938.30 (6) (b) If it appears to the court that disposition of the case may include
8 placement of the juvenile outside the juvenile's home, the court shall order the
9 juvenile's parent to provide a statement of the income, assets, debts, and living
10 expenses of the juvenile and the juvenile's parent to the court or the designated
11 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
12 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
13 provide, without charge, to any parent ordered to provide that statement a document
14 setting forth the percentage standard established by the department of children and
15 families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider
16 under s. 301.12 (14) (c).

17 **SECTION 457.** 938.31 (7) (b) of the statutes is amended to read:

18 938.31 (7) (b) If it appears to the court that disposition of the case may include
19 placement of the juvenile outside the juvenile's home, the court shall order the
20 juvenile's parent to provide a statement of the income, assets, debts, and living
21 expenses of the juvenile and the juvenile's parent, to the court or the designated
22 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
23 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
24 provide, without charge, to any parent ordered to provide the statement a document
25 setting forth the percentage standard established by the department of children and

1 families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider
2 under s. 301.12 (14) (c).

3 **SECTION 458.** 938.357 (5m) (a) of the statutes is amended to read:

4 938.357 (5m) (a) If a proposed change in placement would change a juvenile's
5 placement from a placement in the juvenile's home to a placement outside the
6 juvenile's home, the court shall order the juvenile's parent to provide a statement of
7 the income, assets, debts, and living expenses of the juvenile and the juvenile's
8 parent to the court or the person or agency primarily responsible for implementing
9 the dispositional order by a date specified by the court. The clerk of court shall
10 provide, without charge, to any parent ordered to provide that statement a document
11 setting forth the percentage standard established by the department of children and
12 families under s. ~~49.22~~ 49.811 (9) and listing the factors under s. 301.12 (14) (c). If
13 the juvenile is placed outside the juvenile's home, the court shall determine the
14 liability of the parent in the manner provided in s. 301.12 (14).

15 **SECTION 459.** 938.36 (1) (b) of the statutes is amended to read:

16 938.36 (1) (b) In determining the amount of support under par. (a), the court
17 may consider all relevant financial information or other information relevant to the
18 parent's earning capacity, including information reported under s. ~~49.22~~ 49.811 (2m)
19 to the department of children and families, or the county child support agency, under
20 s. 59.53 (5). If the court has insufficient information with which to determine the
21 amount of support, the court shall order the juvenile's parent to furnish a statement
22 of the income, assets, debts, and living expenses of the juvenile and the juvenile's
23 parent, if the parent has not already done so, to the court within 10 days after the
24 court's order transferring custody or designating an alternative placement is entered
25 or at such other time as ordered by the court.

1 **SECTION 460.** 938.363 (1) (c) of the statutes is amended to read:

2 938.363 (1) (c) If the proposed revision is for a change in the amount of child
3 support to be paid by a parent, the court shall order the juvenile's parent to provide
4 a statement of the income, assets, debts, and living expenses of the juvenile and the
5 juvenile's parent to the court and the person or agency primarily responsible for
6 implementing the dispositional order by a date specified by the court. The clerk of
7 court shall provide, without charge, to any parent ordered to provide that statement
8 a document setting forth the percentage standard established by the department of
9 children and families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may
10 consider under s. 301.12 (14) (c).

11 **SECTION 461.** 946.90 (title) of the statutes is created to read:

12 **946.90 (title) Wisconsin Works fraud.**

13 **SECTION 462.** 946.90 (1) of the statutes is created to read:

14 946.90 (1) In this section:

15 (a) "Provider" means a Wisconsin Works agency or a person that contracts with
16 a Wisconsin Works agency to provide services to a participant in Wisconsin Works.

17 (b) "Wisconsin Works" means the assistance program for families with
18 dependent children, administered under ss. 49.141 to 49.161.

19 (c) "Wisconsin Works agency" has the meaning given in s. 49.001 (9).

20 **SECTION 463.** 946.90 (2) of the statutes is created to read:

21 946.90 (2) ~~A person who~~ ^{whoever} does any of the following is guilty of a Class A
22 misdemeanor:

23 (a) Intentionally makes or causes to be made any false statement or
24 representation of a material fact in any application for or receipt of any Wisconsin
25 Works benefit or payment.

1 (b) Having knowledge of the occurrence of any event affecting the initial or
2 continued eligibility for a Wisconsin Works benefit or payment under Wisconsin
3 Works, conceals or fails to disclose that event with an intent to fraudulently secure
4 a Wisconsin Works benefit or payment either in a greater amount or quantity than
5 is due or when no such benefit or payment is authorized.

6 SECTION 464. 946.91 (title), (1) and (2) (intro.) of the statutes are created to
7 read:

8 946.91 (title) **Medical Assistance fraud.** (1) In this section:

9 (a) "Facility" means a nursing home or a community-based residential facility
10 that is licensed under s. 50.03 and that is certified by the department of health
11 services as a provider of aid under Medical Assistance.

12 (b) "Medical Assistance" means the program providing aid under subch. IV of
13 ch. 49, except ss. 49.468 and 49.471.

14 (c) "Provider" means a person, corporation, limited liability company,
15 partnership, incorporated business, or professional association, and any agent or
16 employee thereof, who provides services under Medical Assistance.

17 (2) (intro.) Whoever does any of the following is guilty of a Class H felony, except
18 that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may
19 be fined not more than \$25,000:

20 SECTION 465. 946.92 (1) (e) and (3) (a) (intro.) of the statutes are created to read:

21 946.92 (1) (e) "Supplemental nutrition assistance program" has the meaning
22 given in s. 49.79 (1) (fg).

23 (3) (a) (intro.) Whoever ^{If a person} violates sub. (2) is subject to the following penalties

24 SECTION 466. 946.93 of the statutes is created to read:

any of the following apply
applies

1 **946.93 Public assistance fraud.** (1) In this section, "public assistance"
2 means any aid, benefit, or services provided under ch. 49.

3 (2) Whoever intentionally makes or causes to be made any false statement or
4 representation of material fact in any application for or receipt of public assistance
5 is guilty of a Class H felony.

6 (3) No person may do any of the following:

7 (a) Having knowledge of an event affecting the initial or continued eligibility
8 for public assistance, conceal or fail to disclose that event with an intent to
9 fraudulently secure public assistance, including payment either in a greater amount
10 or quantity than is due or when no such benefit or payment is authorized.

11 (b) Receive any income or assets and fail to notify the public assistance agency
12 within 10 days after receiving the income or assets, unless a different time period is
13 required under the applicable public assistance program.

✓ ******NOTE:** I changed "or within the time period required under the applicable public assistance program" to "unless a different time period is required..." This clarifies that if a different time period exists under a public assistance program it trumps the 10-day period created in this section. Is this consistent with the intent of the committee?

14 (c) Fail to notify the public assistance agency within 10 days of any change in

15 circumstances for which notification by the recipient must be provided under law, or,

16 *unless* if a different time period is required under the applicable public assistance program,

17 within that time period. ✓

18 (d) Receive a voucher under a public assistance program for goods or services
19 and use the funding granted under the voucher for purposes that are not authorized
20 by the public assistance agency.

✓ ******NOTE:** The language in WLC 0106 would make it a crime not to use a voucher. I assumed that the crime is actually to use the funds for something other than the authorized purpose. If this is incorrect, please let me know.

21 (e) Whoever violates par. (a), (b), (c), or (d) is subject to the following penalties:

If a person

any of the following ~~penalties~~ applies

the person may be required to forfeit

~~###~~

- 1 1. If the value of the payment or benefit does not exceed \$300, a forfeiture of
- 2 not more than \$1,000.
- 3 2. If the value of the payment or benefit is more than \$300 but does not exceed
- 4 \$1,000, a fine of not more than \$250 or imprisonment of not more than 6 months, or
- 5 both. *the person may be fined* *imprisoned for*
- 6 3. If the value of the payment or benefit is more than \$1,000 but does not exceed
- 7 \$2,000, *the person is guilty of* a Class A misdemeanor.
- 8 4. If the value of the payment or benefit is more than \$2,000 but does not exceed
- 9 \$5,000, *the person is guilty of* a Class I felony.
- 10 5. If the value of the payment or benefit is more than \$5,000 but does not exceed
- 11 \$10,000, *the person is guilty of* a Class H felony.
- 12 6. If the value of the payment or benefit is more than \$10,000, *the person is guilty of* a Class G felony.
- 13 (4) (a) A person who obtains money, goods, services, or any other thing of value
- 14 because he or she sends or brings a person to a county department, tribal governing
- 15 body, or Wisconsin Works agency for the purpose of obtaining public assistance is
- 16 guilty of a Class C misdemeanor.

*****NOTE** The meaning of "sends or brings" is unclear to me. Does the person have to physically bring the person to the particular office? Would the word "refer" capture the committed's intent? Also, does this section need an exception similar to sub. (5) (c) 2? It seems like without an exception this subsection could apply to social workers or other people who get paid to direct people to these programs as part of their job.

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- 17 (5) (a) Whoever solicits or receives money, goods, services, or any other thing
- 18 of value in return for referring an individual to a person for the furnishing or
- 19 arranging for the furnishing of any item or service for which a public assistance
- 20 payment may be made in whole or in part, or in return for purchasing, leasing,
- 21 ordering, or arranging for or recommending purchasing, leasing, or ordering any
- 22 good, facility, service, or item for which public assistance payment may be made in

1 whole or in part, is guilty of a Class H felony, except that, notwithstanding the
2 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
3 \$25,000.

4 (b) Whoever offers or pays money, goods, services, or any other thing of value
5 to any person to induce the person to refer an individual to a person for the furnishing
6 or arranging for the furnishing of any item or service for which public assistance
7 payment may be made in whole or in part, or to purchase, lease, order, or arrange for
8 or recommend purchasing, leasing, or ordering any good, facility, service, or item for
9 which public assistance payment may be made in whole or in part, is guilty of a Class
10 H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)
11 (h), the person may be fined not more than \$25,000.

12 (c) This subsection does not apply to any of the following:

13 1. A discount or other reduction in price obtained by a provider of services or
14 other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed
15 and appropriately reflected in the costs claimed or charges made by the provider or
16 entity under Wisconsin Works *a public assistance program*

✓ ****NOTE: This is specific to Wisconsin Works. Should it apply to "public assistance programs"?

17 2. An amount paid by an employer to an employee who has a bona fide
18 employment relationship with the employer for employment in the provision of
19 covered items or services.

20 (6) Any person who *Whoever* makes any statement in a written application for public
21 assistance shall be considered to have made an admission as to the existence,
22 correctness, or validity of any fact stated. Such a statement shall be considered to
23 be prima facie evidence against the person making it in any complaint, information,

1 or indictment, or in any action brought for enforcement of any provision of this
2 section or ch. 49.

NOTE: Creates the offense of public assistance fraud. This provision is intended to replace the offenses and penalties currently set forth in s. 49.95.

✓ **NOTE:** How are ss. 946.90, 946.91, and 946.92 intended to interact with s. 946.93? Section 946.93 seems to include medical assistance, Wisconsin Works, and the supplemental nutrition assistance program in the definition of "public assistance."

3 **SECTION 467.** 948.22 (1) (a), (b) and (c) and (4) (b) of the statutes are amended
4 to read:

5 948.22 (1) (a) "Child support" means an amount which a person is ordered to
6 provide for support of a child by a court of competent jurisdiction in this state or in
7 another state, territory or possession of the United States, or, if not ordered, an
8 amount that a person is legally obligated to provide under s. ~~49.90~~ 49.039.

9 (b) "Grandchild support" means an amount which a person is legally obligated
10 to provide under s. ~~49.90~~ 49.039 (1) (a) 2. and (11).

11 (c) "Spousal support" means an amount which a person is ordered to provide
12 for support of a spouse or former spouse by a court of competent jurisdiction in this
13 state or in another state, territory or possession of the United States, or, if not
14 ordered, an amount that a person is legally obligated to provide under s. ~~49.90~~
15 49.039.

16 (4) (b) For a person not subject to a court order requiring child, grandchild, or
17 spousal support payments, when the person knows or reasonably should have known
18 that he or she has a dependent, failure to provide support equal to at least the amount
19 established by rule by the department of children and families under s. ~~49.22~~ 49.811
20 (9) or causing a spouse, grandchild, or child to become a dependent person, or
21 continue to be a dependent person, as defined in s. ~~49.01~~ 49.801 (2).

22 **SECTION 468.** 948.45 (2) of the statutes is amended to read:

1 948.45 (2) Subsection (1) does not apply to a person who has under his or her
2 control a child who has been sanctioned under s. ~~49.26~~ 49.198 (1) (h).

3 **SECTION 469.** 973.055 (3) of the statutes is amended to read:

4 973.055 (3) All moneys collected from domestic abuse surcharges shall be
5 ~~deposited~~ credited by the secretary of administration ~~in~~ to the appropriation account
6 under s. 20.437 (1) (hh) and utilized in accordance with s. ~~49.165~~ 49.217.

7 **SECTION 470.** 977.01 (2) of the statutes is amended to read:

8 977.01 (2) "Public assistance" means relief provided by counties under s. 59.53
9 (21), Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, ~~medical assistance~~ Medical
10 Assistance under subch. IV of ch. 49, low-income energy assistance under s. 16.27,
11 weatherization assistance under s. 16.26, and the ~~food stamp~~ supplemental
12 nutrition assistance program under 7 USC 2011 to ~~2029~~ 2036.

✓ ***NOTE: This section is added to update the food stamp language.

13 **SECTION 471.** 977.06 (4) (bm) of the statutes is amended to read:

14 977.06 (4) (bm) In response to a request for information under s. ~~49.22~~ 49.811
15 (2m) made by the department of children and families or a county child support
16 agency under s. 59.53 (5), the state public defender shall provide the name and
17 address of an individual, the name and address of the individual's employer, and
18 financial information related to the individual, if the name, address, or financial
19 information is included in any statement, affidavit, or other information provided by
20 the individual regarding financial eligibility under s. 977.07 and if, at the time the
21 request for information is made, the individual is represented by the state public
22 defender or by counsel assigned under s. 977.08.

23 **SECTION 472.** 978.05 (4m) of the statutes is amended to read:

1 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the departments
2 of children and families and health services regarding the fraud investigation
3 programs under ss. 49.019 (1) and 49.197 (1m) and ~~49.845 (1)~~.

4 **SECTION 473.** 978.06 (6) of the statutes is amended to read:

5 978.06 (6) No district attorney, deputy district attorney, or assistant district
6 attorney may appear in a civil action or proceeding under s. ~~49.22~~ 49.811 (7), 59.53
7 (5), 767.205 (2), 767.501, or 767.80 or ch. 769.

8 **SECTION 474.** 995.67 (1) (a) of the statutes is amended to read:

9 995.67 (1) (a) "Domestic abuse" has the meaning given in s. ~~49.165~~ 49.217 (1)
10 (a).

11 **SECTION 475. Nonstatutory provisions.**

PUBLIC ASSISTANCE APPLICATIONS; RULES. ← (CS)

12 (1) The department of children and families shall submit in proposed form the
13 rules required under section 49.006 (3) of the statutes, as created by this act, to the
14 legislative council staff under section 227.15 (1) of the statutes no later than the first
15 day of the 3rd month beginning after the effective date of this subsection.

Ins.
185-15

16 **SECTION 476. Initial applicability.**

17 (1) PUBLIC ASSISTANCE APPLICATIONS. The treatment of section 49.006 of the
18 statutes first applies to applications for aid or benefits under chapter 49 of the
19 statutes that are received by the department of health services or the department of
20 children and families on the effective date of this subsection.

21 (2) INTENTIONAL PROGRAM VIOLATIONS. The renumbering and amendment of
22 section 49.151 (2) of the statutes and the creation of section 49.151 (2) (a) 1., 2., and
23 3. and (b) of the statutes first apply to acts or omissions that occur on the effective
24 date of this subsection.

1 (3) REVIEW OF WISCONSIN SHARES DECISIONS. The treatment of sections 49.152

2 (1) and 49.1525 of the statutes first applies to applications that are filed and actions

3 of the department of children and families that occur on the effective date of the

4 subsection.

the first day of the 15th month after

*Ins.
186-
4*

*****NOTE: Section 49.1525 requires the department to define reasonable promptness for acting on Wisconsin Shares applications. Would you prefer to have an initial application date based on the promulgation of that rule?*

5 (4) PUBLIC ASSISTANCE FRAUD. The treatment of section 946.93 of the statutes

6 first applies to acts and omissions that occur on the effective date of this subsection.

7 **SECTION 477. Effective dates.** This act takes effect on February 1, 2012,

8 except as follows:

9 (1) The treatment of section 49.46 (1) (n) (by SECTION 211) of the statutes takes

10 effect on January 1, 2015.

11 (END)

D-note
↓

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2257/P2ins
FFK:.....

INS 50-15

- 1 **SECTION 1.** 49.017 (1c) of the statutes is created to read:
2 49.017 (1c) In this section:
3 (a) "Department" means the department of health services.
4 (b) "Public assistance" means any aid or benefit under this chapter.

END INS 50-15

INS. 56-6

- 5 ~~SECTION 2. 49.141 (9) (c) 1. of the statutes is amended to read:~~
6 49.141 (9) (c) 1. A discount or other reduction in price obtained by a provider
7 of services or other entity under chs. 46 to 51 and 58 if the reduction in price is
8 properly disclosed and appropriately reflected in the costs claimed or charges made
9 by the provider or entity under Wisconsin works Works.

History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. 105, 109; 2003 a. 173; 2005 a. 443 s. 265; 2009 a. 28.

END INS. 56-6

INS 79-14

- 10 **SECTION 3.** 49.275 of the statutes is renumbered 49.065 and amended to read:
11 **49.065 Cooperation with federal government.** The department may
12 cooperate with the federal government in carrying out federal acts concerning public
13 assistance under ~~this subchapter~~ subchs. II and III of this chapter and child welfare
14 under ch. 48 and in other matters of mutual concern under ~~this subchapter~~ subchs.
15 II and III of this chapter pertaining to public welfare and under ch. 48 pertaining to
16 child welfare.

History: 1995 a. 27; 2007 a. 20.

END INS 79-14

INS 95-3



1 SECTION 4. 49.45 (11) of the statutes is amended to read:

2 49.45 (11) PENALTY. Any person who receives or assists another in receiving
3 assistance under this section, to which the recipient is not entitled, shall be subject
4 to the penalties under s. ~~49.95~~ 946.93.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32.

END INS 95-3

INS. 106-3

5 SECTION 5. 49.49 (2) (c) of the statutes is renumbered 946.91 (3) (c) and
6 amended to read:

7 946.91 (3) (c) Exceptions. This subsection ~~shall~~ does not apply to any of the
8 following:

9 1. A discount or other reduction in price obtained by a provider of services or
10 other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed
11 and appropriately reflected in the costs claimed or charges made by the provider or
12 entity under a ~~medical assistance~~ Medical Assistance program.

13 2. ~~Any~~ An amount paid by an employer to an employee who has a bona fide
14 employment relationship with such employer for employment in the provision of
15 covered items or services.

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. 3202 (23); 1985 a. 269; 1989 a. 23, 31; 1995 a. 27; 1997 a. 283; 2001 a. 109; 2003 a. 309; 2007 a. 20; 2009 a. 283.

INS. 106-3

INS 107-17

16 SECTION 6. 49.49 (3p) (title) of the statutes is amended to read:



1 49.49 (3p) (title) ~~OTHER~~ [✓] PROHIBITED PROVIDER CHARGES.

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. 3202 (23); 1985 a. 269; 1989 a. 23, 31; 1995 a. 27; 1997 a. 283; 2001 a. 109; 2003 a. 309; 2007 a. 20; 2009 a. 283.

END INS 107-17

INS 126-1

2 **SECTION 7.** 49.84 (1), (2), (3), (4), (5) and (6) (b) to (d) [✓] of the statutes are
3 renumbered 49.017 (1g), (2), (3), (4), (5) ^{g and} (6) (b) to (d), [✓] and 49.017 (2), (3), (5) ^g and (6)
4 (c) 1. d., as renumbered, are amended to read:

5 ^{49.017} (2) At the time of application, the agency administering the public assistance
6 program shall apply to the department of health services for a certified copy of a birth
7 certificate for the applicant if the applicant is required to provide a birth certificate
8 or social security number as part of the application and for any person in the
9 applicant's household who is required to provide a birth certificate or social security
10 number. The department of health services shall provide without charge any copy
11 for which application is made under this subsection.

History: 1971 c. 334; 1979 c. 221; 1985 a. 29 ss. 1005m, 3200 (23); 1985 a. 315; 1989 a. 31; 1995 a. 27 ss. 2798 to 2801b, 2803, 2804, 3210, 3211, 9126 (19); Stats. 1995 s. 49.84; 1995 a. 289; 2007 a. 20 ss. 1678 to 1680, 9121 (6) (a).

12 (3) Notwithstanding subs. (1) (1g) [✓] and (2), personal identification
13 documentation requirements may be waived for 10 days for an applicant for relief
14 funded by a relief block grant, if the applicant agrees to cooperate with the relief
15 agency by providing information necessary to obtain proper identification.

History: 1971 c. 334; 1979 c. 221; 1985 a. 29 ss. 1005m, 3200 (23); 1985 a. 315; 1989 a. 31; 1995 a. 27 ss. 2798 to 2801b, 2803, 2804, 3210, 3211, 9126 (19); Stats. 1995 s. 49.84; 1995 a. 289; 2007 a. 20 ss. 1678 to 1680, 9121 (6) (a).

END INS 126-1

INS 127-3

16 **SECTION 8.** 49.84 (6) (a) [✓] of the statutes is repealed.

END INS 127-3

INS.181-16



INS 181-16

1 (b) This subsection does not apply to an employee who obtains money, goods,
 2 services, or any other thing of value from an employer who has a bona fide
 3 employment relationship with the employee and the employee assists persons to
 4 obtain public assistance as part of his or her job.

***NOTE: I added this exception to exempt an employee who direct persons to the
 referenced locations to obtain public assistance as part of his or her employment. I
 assumed that it was not the intent of the committee to criminalize such employment. If
 you would prefer not to create the exception, you may also consider modifying the
 prohibition to apply only to person who directs a person who he or she knows is not
 eligible for public assistance to the references locations to obtain public assistance.

check Δ

END INS.181-16

INS. 185-15

5

 (2) REVIEW OF WISCONSIN SHARES DECISIONS; RULES. The department of children
 6 and families shall submit in proposed form the rules required under section 49.1525
 7 of the statutes, as created by this act, to the legislative council staff under section
 8 227.15 (1) of the statutes no later than the first day of the 3rd month beginning after
 9 the effective date of this subsection.

END INS. 185-15

INS 186-4

***NOTE: As drafted, DHS must submit proposed rules 3 months after the effective
 date of the bill and the statutory sections creating the separate review process for
 Wisconsin Shares decisions take effect 15 months after the effective date of this bill. This
 allows one year for the rule making process that must occur between proposed rules and
 final approval. In light of the new administrative rule making procedures, it is difficult
 to predict how long the process may take. Please let me know your opinion of whether
 this amount of time is sufficient.

*
*

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2257/P2dn

FFK:...

Date

JLd

To Anna Henning: ✓

This draft includes the changes you requested from the previous version as well as multiple technical changes to the sections created in, or renumbered to, chapter 946. ✓
This draft also contains a few embedded notes for your review. Please feel free to contact me with any questions or concerns. ✓

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2257/P2
FFK;jld:imp

December 2, 2011

To Anna Henning:

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