

1           **SECTION 376.** 115.347 (2) of the statutes is amended to read:

2           115.347 (2) Whenever a school district that is located in whole or in part in a  
3 county that has converted to the client assistance for reemployment and economic  
4 support data system submits a report under sub. (1) in the prescribed format, the  
5 department of children and families shall determine which children enrolled in the  
6 school district are members of Wisconsin Works groups participating under s. 49.147  
7 (3) to (5) or of families receiving aid to families with dependent children or ~~food~~  
8 stamps benefits under the supplemental nutrition assistance program under 7 USC  
9 2011 to 2036 and shall provide the information to the school board as soon thereafter  
10 as possible. The school board shall use the information to directly certify children  
11 as eligible for free or reduced-price meals served by the school district under federal  
12 school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

13           **SECTION 377.** 118.15 (5) (b) 1. of the statutes is amended to read:

14           118.15 (5) (b) 1. Paragraph (a) does not apply to a person who has under his or  
15 her control a child who has been sanctioned under s. ~~49.26~~ 49.198 (1) (h).

16           **SECTION 378.** 118.19 (1r) (a) and (10) (g) of the statutes are amended to read:

17           118.19 (1r) (a) As provided in the memorandum of understanding under s.  
18 49.857, the department of public instruction may not issue or renew a license or  
19 permit or revalidate a license that has no expiration date unless the applicant  
20 provides the department of public instruction with his or her social security number.  
21 The department of public instruction may not disclose the social security number  
22 except to the department of children and families for the sole purpose of  
23 administering s. ~~49.22~~ 49.811.

24           (10) (g) At the request under s. ~~49.22~~ 49.811 (2m) of the department of children  
25 and families or a county child support agency under s. 59.53 (5), the state

1 superintendent shall release the name and address of the applicant or licensee, the  
2 name and address of the applicant's or licensee's employer, and financial  
3 information, if any, related to the applicant or licensee obtained under this  
4 subsection to the department of children and families or the county child support  
5 agency.

6 **SECTION 379.** 119.82 (1m) (c) of the statutes is amended to read:

7 119.82 **(1m)** (c) Has been or is being sanctioned under s. ~~49.26~~ 49.198 (1) (h).

8 **SECTION 380.** 134.43 (3m) of the statutes is amended to read:

9 134.43 **(3m)** Subsections (2) (b), (2m), and (3) do not apply to information  
10 regarding the name, address, or employer of or financial information related to a  
11 subscriber or member of a subscriber's household that is requested under s. ~~49.22~~  
12 49.811 (2m) by the department of children and families or a county child support  
13 agency under s. 59.53 (5).

14 **SECTION 381.** 149.12 (2) (f) 2. c. of the statutes is amended to read:

15 149.12 **(2)** (f) 2. c. Medical assistance under s. 49.46 ~~(1)~~ (1g) (a) 15.

16 **SECTION 382.** 169.34 (2) of the statutes is amended to read:

17 169.34 **(2)** DISCLOSURE OF SOCIAL SECURITY NUMBERS. The department of natural  
18 resources may not disclose any social security numbers received under sub. (1) to any  
19 person except to the department of children and families for the sole purpose of  
20 administering s. ~~49.22~~ 49.811.

21 **SECTION 383.** 218.0114 (20) (c) and (21e) (a) of the statutes are amended to read:

22 218.0114 **(20)** (c) An applicant or licensee furnishing information under par. (a)  
23 may designate the information as a trade secret, as defined in s. 134.90 (1) (c), or as  
24 confidential business information. The licensor shall notify the applicant or licensee  
25 providing the information 15 days before any information designated as a trade

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

11 **(21e)** (a) In addition to any other information required under this section and  
12 except as provided in par. (c), an application by an individual for the issuance or  
13 renewal of a license described in sub. (14) shall include the individual's social  
14 security number and an application by a person who is not an individual for the  
15 issuance or renewal of a license described in sub. (14) (a), (b), (c), or (e) shall include  
16 the person's federal employer identification number. The licensor may not disclose  
17 any information received under this paragraph to any person except the department  
18 of children and families for purposes of administering s. ~~49.22~~ 49.811 or the  
19 department of revenue for the sole purpose of requesting certifications under s.  
20 73.0301.

21 **SECTION 384.** 218.11 (2) (am) 3. of the statutes, as affected by 2011 Wisconsin  
22 Act 32, is amended to read:

23 218.11 **(2)** (am) 3. The department may not disclose any information received  
24 under subd. 1. to any person except to the department of children and families for

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

3 **SECTION 385.** 218.12 (2) (am) 2. of the statutes, as affected by 2011 Wisconsin  
4 Act 32, is amended to read:

5 218.12 (2) (am) 2. The department may not disclose a social security number  
6 obtained under par. (a) to any person except to the department of children and  
7 families for the sole purpose of administering s. ~~49.22~~ 49.811 or to the department  
8 of revenue for the sole purpose of requesting certifications under s. 73.0301.

9 **SECTION 386.** 218.21 (2m) (b) of the statutes is amended to read:

10 218.21 (2m) (b) The department of transportation may not disclose any  
11 information received under sub. (2) (ag) or (am) to any person except to the  
12 department of children and families for purposes of administering s. ~~49.22~~ 49.811 or  
13 the department of revenue for the sole purpose of requesting certifications under s.  
14 73.0301.

15 **SECTION 387.** 218.31 (1m) (b) of the statutes is amended to read:

16 218.31 (1m) (b) The department of transportation may not disclose any  
17 information received under sub. (1) (ag) or (am) to any person except to the  
18 department of children and families for purposes of administering s. ~~49.22~~ 49.811 or  
19 the department of revenue for the sole purpose of requesting certifications under s.  
20 73.0301.

21 **SECTION 388.** 218.41 (2) (am) 2. of the statutes is amended to read:

22 218.41 (2) (am) 2. The department of transportation may not disclose any  
23 information received under subd. 1. a. or b. to any person except to the department  
24 of children and families for the sole purpose of administering s. ~~49.22~~ 49.811 or the

1 department of revenue for the sole purpose of requesting certifications under s.  
2 73.0301.

3 **SECTION 389.** 218.51 (3) (am) 2. of the statutes is amended to read:

4 218.51 (3) (am) 2. The department of transportation may not disclose any  
5 information received under subd. 1. a. or b. to any person except to the department  
6 of children and families for the sole purpose of administering s. ~~49.22~~ 49.811 or the  
7 department of revenue for the sole purpose of requesting certifications under s.  
8 73.0301.

9 **SECTION 390.** 227.01 (13) (im) of the statutes is repealed.

10 **SECTION 391.** 227.43 (1) (by) of the statutes is amended to read:

11 227.43 (1) (by) Assign a hearing examiner to preside over any hearing of a  
12 contested case that is required to be conducted by the department of children and  
13 families under ~~ch. 48 or subch. ss. 49.811 to 49.823, subch. II or III of ch. 49, or ch.~~  
14 48 and that is not conducted by the secretary of children and families.

15 **SECTION 392.** 230.13 (3) (a) of the statutes is amended to read:

16 230.13 (3) (a) The director and the administrator shall provide to the  
17 department of children and families or a county child support agency under s. 59.53  
18 (5) information requested under s. ~~49.22~~ 49.811 (2m) that would otherwise be closed  
19 to the public under this section. Information provided under this paragraph may  
20 only include an individual's name and address, an individual's employer, and  
21 financial information related to an individual.

22 **SECTION 393.** 230.44 (1) (h) and (i) of the statutes are amended to read:

23 230.44 (1) (h) *Decisions affecting Milwaukee County employees by the*  
24 *department of health services.* A decision of the department of health services  
25 relating to a Milwaukee County employee under s. ~~49.825~~ 49.009 (3) (b).

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

4 **SECTION 394.** 238.30 (4m) of the statutes, as affected by 2011 Wisconsin Act 32,  
5 is amended to read:

6 238.30 (4m) "Member of a targeted group" means a person who resides in an  
7 area designated by the federal government as an economic revitalization area, a  
8 person who is employed in an unsubsidized job but meets the eligibility requirements  
9 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who  
10 is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay  
11 project position under s. 49.147 (3m), 2009 stats., a person who is eligible for child  
12 care assistance under s. 49.155, a person who is a vocational rehabilitation referral,  
13 an economically disadvantaged youth, an economically disadvantaged veteran, a  
14 supplemental security income recipient, a general assistance recipient, an  
15 economically disadvantaged ex-convict, a dislocated worker, as defined in 29 USC  
16 2801 (9), or a ~~food stamp~~ recipient of benefits under the supplemental nutrition  
17 assistance program under 7 USC 2011 to 2036, if the person has been certified in the  
18 manner under 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26  
19 USC 51 (d) (12).

20 **SECTION 395.** 252.06 (10) (b) 4. of the statutes is amended to read:

21 252.06 (10) (b) 4. The expense of care provided under par. (a) to any dependent  
22 person, as defined in s. ~~49.01~~ 49.801 (2).

23 **SECTION 396.** 252.07 (10) of the statutes is amended to read:

24 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and  
25 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are

1 not eligible for federal medicare benefits, for medical assistance under subch. IV of  
2 ch. 49 or for health care services funded by a relief block grant under ~~subch. II of ch.~~  
3 49 ss. 49.801 to 49.808 may be reimbursed if provided by a facility contracted by the  
4 department. If the patient has private health insurance, the state shall pay the  
5 difference between health insurance payments and total charges.

6 **SECTION 397.** 291.15 (2) (d) of the statutes is amended to read:

7 291.15 (2) (d) *Use of confidential records.* Except as provided under par. (c) and  
8 this paragraph, the department or the department of justice may use records and  
9 other information granted confidential status under this subsection only in the  
10 administration and enforcement of this chapter. The department or the department  
11 of justice may release for general distribution records and other information granted  
12 confidential status under this subsection if the owner or operator expressly agrees  
13 to the release. The department or the department of justice may release on a limited  
14 basis records and other information granted confidential status under this  
15 subsection if the department or the department of justice is directed to take this  
16 action by a judge or hearing examiner under an order which protects the  
17 confidentiality of the records or other information. The department or the  
18 department of justice may release to the U.S. environmental protection agency or its  
19 authorized representative records and other information granted confidential status  
20 under this subsection if the department or the department of justice includes in each  
21 release of records or other information a request to the U.S. environmental  
22 protection agency or its authorized representative to protect the confidentiality of  
23 the records or other information. The department or the department of justice shall  
24 provide to the department of children and families or a county child support agency  
25 under s. 59.53 (5) the name and address of an individual, the name and address of

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

5 **SECTION 398.** 301.12 (14) (b) and (g) of the statutes are amended to read:

6 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability  
7 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the  
8 parent's minor child who has been placed by a court order under s. 938.183, 938.355,  
9 or 938.357 in a residential, nonmedical facility such as a group home, foster home,  
10 residential care center for children and youth, or juvenile correctional institution  
11 shall be determined by the court by using the percentage standard established by the  
12 department of children and families under s. ~~49.22~~ 49.811 (9) and by applying the  
13 percentage standard in the manner established by the department under par. (g).

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

21 **SECTION 399.** 301.45 (7) (a) of the statutes is amended to read:

22 301.45 (7) (a) The department shall maintain information provided under sub.  
23 (2). The department shall keep the information confidential except as provided in  
24 ss. 301.03 (14) and 301.46, except as needed for law enforcement purposes and except  
25 to provide, in response to a request for information under s. ~~49.22~~ 49.811 (2m) made



1 by the department of children and families or a county child support agency under  
2 s. 59.53 (5), the name and address of an individual registered under this section, the  
3 name and address of the individual's employer, and financial information related to  
4 the individual.

5 **SECTION 400.** 302.372 (2) (b) of the statutes is amended to read:

6 302.372 (2) (b) Before seeking any reimbursement under this section, the  
7 county shall provide a form to be used for determining the financial status of  
8 prisoners. The form shall provide for obtaining the social security number of the  
9 prisoner, the age and marital status of a prisoner, the number and ages of children  
10 of a prisoner, the number and ages of other dependents of a prisoner, the income of  
11 a prisoner, type and value of real estate owned by a prisoner, type and value of  
12 personal property owned by a prisoner, the prisoner's cash and financial institution  
13 accounts, type and value of the prisoner's investments, pensions, and annuities, and  
14 any other personalty of significant cash value owned by a prisoner. The county shall  
15 use the form whenever investigating the financial status of prisoners. The  
16 information on a completed form is confidential and not open to public inspection or  
17 copying under s. 19.35 (1), except that the county shall provide the name and address  
18 of an individual, the name and address of the individual's employer, and financial  
19 information related to the individual from a form completed under this paragraph  
20 in response to a request for information under s. ~~49.22~~ 49.811 (2m) made by the  
21 department of children and families or a county child support agency under s. 59.53  
22 (5).

23 **SECTION 401.** 341.51 (4g) (b) of the statutes is amended to read:

24 341.51 (4g) (b) The department of transportation may not disclose any  
25 information obtained under sub. (4) (am) or (ar) to any person except to the

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

4 **SECTION 402.** 342.06 (1) (eg) of the statutes is amended to read:

5 342.06 (1) (eg) Except as provided in par. (eh), if the applicant is an individual,  
6 the social security number of the applicant. The department of transportation may  
7 not disclose a social security number obtained under this paragraph to any person  
8 except to the department of children and families for the sole purpose of  
9 administering s. ~~49.22~~ 49.811 and to the department of revenue for the purposes of  
10 administering state taxes and collecting debt.

11 **SECTION 403.** 343.14 (2j) of the statutes is amended to read:

12 343.14 (2j) Except as otherwise required to administer and enforce this  
13 chapter, the department of transportation may not disclose a social security number  
14 obtained from an applicant for a license under sub. (2) (bm) to any person except to  
15 the department of children and families for the sole purpose of administering s. ~~49.22~~  
16 49.811, to the department of revenue for the purposes of administering state taxes  
17 and collecting debt, or to the driver licensing agency of another jurisdiction.

18 **SECTION 404.** 343.305 (6) (e) 3. b. of the statutes is amended to read:

19 343.305 (6) (e) 3. b. The licensor may not disclose any information received  
20 under subd. 2. a. or b. except to the department of children and families for purposes  
21 of administering s. ~~49.22~~ 49.811 or the department of revenue for the sole purpose  
22 of requesting certifications under s. 73.0301.

23 **SECTION 405.** 343.50 (8) (b) of the statutes is amended to read:

24 343.50 (8) (b) The department may not disclose any record or other information  
25 concerning or relating to an applicant or identification card holder to any person

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

13 **SECTION 406.** 343.61 (2) (b) of the statutes is amended to read:

14 343.61 (2) (b) The department of transportation may not disclose any  
15 information received under par. (a) 1. or 2. to any person except to the department  
16 of children and families for purposes of administering s. ~~49.22~~ 49.811 or the  
17 department of revenue for the sole purpose of requesting certifications under s.  
18 73.0301.

19 **SECTION 407.** 343.62 (2) (b) of the statutes is amended to read:

20 343.62 (2) (b) The department of transportation may not disclose a social  
21 security number obtained under par. (a) to any person except to the department of  
22 children and families for the sole purpose 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.

25 **SECTION 408.** 349.19 of the statutes is amended to read:

1           **349.19 Authority to require accident reports.** Any city, village, town, or  
2 county may by ordinance require the operator of a vehicle involved in an accident to  
3 file with a designated municipal department or officer a report of such accident or  
4 a copy of any report required to be filed with the department. All such reports are  
5 for the confidential use of such department or officer and are otherwise subject to s.  
6 346.73, except that this section does not prohibit the disclosure of a person's name  
7 or address, of the name or address of a person's employer, or of financial information  
8 that relates to a person when requested under s. ~~49.22~~ 49.811 (2m) to the department  
9 of children and families or a county child support agency under s. 59.53 (5).

10           **SECTION 409.** 440.03 (11m) (c) of the statutes, as affected by 2011 Wisconsin Act  
11 32, is amended to read:

12           440.03 (11m) (c) The department of safety and professional services may not  
13 disclose a social security number obtained under par. (a) to any person except the  
14 coordinated licensure information system under s. 441.50 (7); the department of  
15 children and families for purposes of administering s. ~~49.22~~ 49.811; and, for a social  
16 security number obtained under par. (a) 1., the department of revenue for the  
17 purpose of requesting certifications under s. 73.0301 and administering state taxes.

18           **SECTION 410.** 440.43 (5) of the statutes is amended to read:

19           440.43 (5) DEPARTMENT DISCLOSURE. The department shall not disclose  
20 information under sub. (4) (c) 1. except to the extent necessary for investigative or  
21 law enforcement purposes and except that the department may, if requested under  
22 s. ~~49.22~~ 49.811 (2m), disclose information regarding the name, address or employer  
23 of or financial information related to an individual to the department of children and  
24 families or a county child support agency under s. 59.53 (5).

25           **SECTION 411.** 440.44 (10) of the statutes is amended to read:

1           440.44 (10) NONDISCLOSURE. The department may not disclose information  
2 under sub. (9) (a) 1. to any person 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.** 440.92 (6) (d) of the statutes is amended to read:

8           440.92 (6) (d) All records described under pars. (b) 2. and (c) and maintained  
9 by the board are confidential and are not available for inspection or copying under  
10 s. 19.35 (1). This paragraph does not apply to any information regarding the name,  
11 address or employer of, or financial information related to an individual that is  
12 requested under s. ~~49.22~~ 49.811 (2m) by the department of children and families or  
13 a county child support agency under s. 59.53 (5).

14           **SECTION 413.** 461.02 (9) (bm) 3. of the statutes is amended to read:

15           461.02 (9) (bm) 3. The requester is the department of children and families or  
16 a county child support agency under s. 59.53 (5), the request is made under s. ~~49.22~~  
17 49.811 (2m), and the request is limited to the name, home address, and business  
18 address of the applicant, registrant, or controlling person who is the subject of the  
19 request and any financial information about the applicant, registrant, or controlling  
20 person contained in the record.

21           **SECTION 414.** 562.05 (8m) (a) of the statutes is amended to read:

22           562.05 (8m) (a) If the applicant for any license is an individual, the department  
23 shall disclose his or her social security number to the department of children and  
24 families for the purpose of administering s. ~~49.22~~ 49.811 and to the department of  
25 revenue for the purpose of requesting certifications under s. 73.0301.

1           **SECTION 415.** 563.28 (2) of the statutes is amended to read:

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

5           **SECTION 416.** 628.095 (4) (a) of the statutes is amended to read:

6           628.095 (4) (a) The commissioner shall disclose a social security number  
7 obtained under sub. (1) or (3) to the department of children and families in the  
8 administration of s. ~~49.22~~ 49.811, as provided in a memorandum of understanding  
9 entered into under s. 49.857.

10          **SECTION 417.** 632.69 (2) (c) of the statutes is amended to read:

11          632.69 (2) (c) The commissioner may not issue a license under this subsection  
12 unless the applicant provides his or her social security number or its federal  
13 employer identification number or, if the applicant does not have a social security  
14 number, a statement made or subscribed under oath or affirmation that the  
15 applicant does not have a social security number. An applicant who is providing a  
16 statement that he or she does not have a social security number, shall provide that  
17 statement along with the application for a license on a form prescribed by the  
18 department of children and families. A licensee shall provide to the commissioner  
19 the licensee's social security number, statement the licensee does not have the social  
20 security number, or federal employment identification number of the licensee at the  
21 time that the annual license renewal fee is paid, if not previously provided. The  
22 commissioner shall disclose a social security number obtained from an applicant or  
23 licensee to the department of children and families in the administration of s. ~~49.22~~  
24 49.811, as provided in a memorandum of understanding entered into under s. 49.857.  
25 The commissioner may disclose the social security number or federal employment

1 identification number of an applicant or licensee to the department of revenue for the  
2 purpose of requesting certifications under s. 73.0301.

3 **SECTION 418.** 633.14 (2c) (a) of the statutes is amended to read:

4 633.14 (2c) (a) The commissioner shall disclose a social security number  
5 obtained under sub. (1) (d) to the department of children and families in the  
6 administration of s. ~~49.22~~ 49.811, as provided in a memorandum of understanding  
7 entered into under s. 49.857.

8 **SECTION 419.** 751.15 (2) of the statutes is amended to read:

9 751.15 (2) The supreme court is requested to promulgate rules that require  
10 each person who has a social security number, as a condition of membership in the  
11 state bar, to provide the board of bar examiners with his or her social security  
12 number, that require each person who does not have a social security number, as a  
13 condition of membership in the state bar, to provide the board of bar examiners with  
14 a statement made or subscribed under oath or affirmation on a form prescribed by  
15 the department of children and families that the person does not have a social  
16 security number, and that prohibit the disclosure of that number to any person  
17 except the department of children and families for the purpose of administering s.  
18 ~~49.22~~ 49.811.

19 **SECTION 420.** 767.127 (4) of the statutes is amended to read:

20 767.127 (4) FAILURE TO TIMELY FILE. If either party fails timely to file a complete  
21 disclosure statement as required by this section, the court may accept as accurate  
22 any information provided in the statement of the other party or obtained under s.  
23 ~~49.22~~ 49.811 (2m) by the department or the county child support agency under s.  
24 59.53 (5).

1           **SECTION 421.** 767.205 (2) (a) 1. and 2. and (b) 1. and 2. of the statutes are  
2 amended to read:

3           767.205 (2) (a) 1. An action to establish paternity whenever there is a  
4 completed application for legal services filed with the child support program under  
5 s. ~~49.22~~ 49.811 or whenever s. 767.80 (6m) or (6r) applies.

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

9           (b) 1. Except as provided in subd. 2., in any action affecting the family under  
10 a child support enforcement program, an attorney acting under s. ~~49.22~~ 49.811 or  
11 59.53 (5), including any district attorney or corporation counsel, represents only the  
12 state. Child support services provided by an attorney as specified in par. (a) do not  
13 create an attorney-client relationship with any other party.

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

17           **SECTION 422.** 767.215 (1) (b) and (2m) (a) 2. of the statutes are amended to read:

18           767.215 (1) (b) The clerk of court shall provide without charge, to each person  
19 filing a petition requesting child support, a document setting forth the percentage  
20 standard established by the department under s. ~~49.22~~ 49.811 (9) and listing the  
21 factors that a court may consider under s. 767.511 (1m).

22           **(2m)** (a) 2. Shall be accompanied by a document, provided without charge by  
23 the clerk of court, setting forth the percentage standard established by the  
24 department under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider  
25 under s. 767.511 (1m).



1           **SECTION 423.** 767.225 (1n) (b) 1. of the statutes is amended to read:

2           767.225 (1n) (b) 1. If the court makes a temporary child support order that  
3 deviates from the amount of support that would be required by using the percentage  
4 standard established by the department under s. ~~49.22~~ 49.811 (9), the court shall  
5 comply with the requirements of s. 767.511 (1n).

6           **SECTION 424.** 767.241 (1) (b) of the statutes is amended to read:

7           767.241 (1) (b) If one party receives services under s. ~~49.22~~ 49.811 or services  
8 provided by the state or county as a result of an assignment of income under s. 49.19,  
9 order the other party to pay any fee chargeable under s. ~~49.22~~ 49.811 (6) or the cost  
10 of services rendered by the state or county under s. 49.19.

11           **SECTION 425.** 767.241 (3) of the statutes is amended to read:

12           767.241 (3) TO WHOM PAID. The court may order that the amount be paid directly  
13 to the attorney or to the state or the county providing services under s. ~~49.22~~ 49.19  
14 or 49.811, who may enforce the order in its name.

15           **SECTION 426.** 767.407 (1) (c) 1. of the statutes is amended to read:

16           767.407 (1) (c) 1. Aid is provided under s. 48.57 (3m) or (3n), 48.645, 49.19, or  
17 49.45 on behalf of the child, or benefits are provided to the child's custodial parent  
18 under ss. 49.141 to 49.161, but the state and its delegate under s. ~~49.22~~ 49.811 (7)  
19 are barred by a statute of limitations from commencing an action under s. 767.80 on  
20 behalf of the child.

21           **SECTION 427.** 767.407 (1) (c) 2. of the statutes is amended to read:

22           767.407 (1) (c) 2. An application for legal services has been filed with the child  
23 support program under s. ~~49.22~~ 49.811 on behalf of the child, but the state and its  
24 delegate under s. ~~49.22~~ 49.811 (7) are barred by a statute of limitations from  
25 commencing an action under s. 767.80 on behalf of the child.

1           **SECTION 428.** 767.511 (1g) and (1j) of the statutes are amended to read:

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

7           **(1j)** PERCENTAGE STANDARD GENERALLY REQUIRED. Except as provided in sub.  
8 (1m), the court shall determine child support payments by using the percentage  
9 standard established by the department under s. ~~49.22~~ 49.811 (9).

10          **SECTION 429.** 767.521 (intro.) of the statutes is amended to read:

11          **767.521 Action by state for child support.** (intro.) The state or its delegate  
12 under s. ~~49.22~~ 49.811 (7) shall bring an action for support of a minor child under s.  
13 767.001 (1) (f) or for paternity determination and child support under s. 767.80 if the  
14 child's right to support is assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b)  
15 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the  
16 following apply:

17          **SECTION 430.** 767.55 (2) (am) (intro.) and 1m. and (c) of the statutes are  
18 amended to read:

19          767.55 **(2)** (am) (intro.) In an action for modification of a child support order  
20 under s. 767.59, an action in which an order for child support is required under s.  
21 767.511 (1), 767.805 (4), or 767.89 (3), or a contempt of court proceeding to enforce  
22 a child support or family support order in a county that contracts under s. ~~49.36~~  
23 49.163 (2), the court may order a parent who is not a custodial parent to register for  
24 a work experience and job training program under s. ~~49.36~~ 49.163 if all of the  
25 following conditions are met:

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

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

15           **SECTION 431.** 767.553 (1) (a) and (b) of the statutes are amended to read:

16           767.553 (1) (a) An order for child or family support under this chapter may  
17           provide for an annual adjustment in the amount to be paid based on a change in the  
18           payer's income if the amount of child or family support is expressed in the order as  
19           a fixed sum and based on the percentage standard established by the department  
20           under s. ~~49.22~~ 49.811 (9). No adjustment may be made under this section unless the  
21           order provides for the adjustment.

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

1           **SECTION 432.** 767.59 (1f) (b) 4. and (c) 1. and (2) (a) of the statutes are amended  
2 to read:

3           767.59 (1f) (b) 4. A difference between the amount of child support ordered by  
4 the court to be paid by the payer and the amount that the payer would have been  
5 required to pay based on the percentage standard established by the department  
6 under s. ~~49.22~~ 49.811 (9) if the court did not use the percentage standard in  
7 determining the child support payments and did not provide the information  
8 required under s. 46.10 (14) (d), 49.345 (14) (d), 301.12 (14) (d), or 767.511 (1n),  
9 whichever is appropriate.

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

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

19           **SECTION 433.** 767.80 (1) (j), (5) (b) and (7) of the statutes are amended to read:

20           767.80 (1) (j) A parent of a person listed under par. (b), (c) or (d), if the parent  
21 is liable or is potentially liable for maintenance of a child of a dependent person under  
22 s. ~~49.90~~ 49.039 (1) (a) 2.

23           (5) (b) An action under this section may be joined with any other action for child  
24 support and is governed by the procedures specified in s. 767.205 relating to child  
25 support, except that the title of the action shall be "In re the paternity of A.B." The

1 petition shall state the name and date of birth of the child if born or that the mother  
2 is pregnant if the child is unborn, the name of any alleged father, whether or not an  
3 action by any of the parties to determine the paternity of the child or rebut the  
4 presumption of paternity to the child has at any time been commenced, or is pending  
5 before any court, in this state or elsewhere. If a paternity judgment has been  
6 rendered, or if a paternity action has been dismissed, the petition shall state the  
7 court that rendered the judgment or dismissed the action, and the date and the place  
8 the judgment was granted if known. The petition shall also give notice of a party's  
9 right to request a genetic test under s. ~~49.225~~ 49.817 or 767.84.

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

15 **SECTION 434.** 767.813 (6) of the statutes is amended to read:

16 767.813 (6) DOCUMENT. The summons served on the respondent shall be  
17 accompanied by a document, provided without charge by the clerk of court, setting  
18 forth the percentage standard established by the department under s. ~~49.22~~ 49.811  
19 (9) and listing the factors that a court may consider under s. 767.511 (1m).

20 **SECTION 435.** 767.83 (3) of the statutes is amended to read:

21 767.83 (3) APPEARANCE BY STATE'S ATTORNEY NOT AFFECTED. This section does not  
22 prevent an attorney responsible for support enforcement under s. 59.53 (6) (a) or any  
23 other attorney employed under s. ~~49.22~~ 49.811 or 59.53 (5) from appearing in any  
24 paternity action as provided under s. 767.80 (6).

25 **SECTION 436.** 767.84 (1) (a), (1m) and (5) (b) of the statutes are amended to read:

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

12           **(1m) REBUTTABLE PRESUMPTION.** If genetic tests ordered under this section or  
13 s. ~~49.225~~ 49.817 show that the alleged father is not excluded and that the statistical  
14 probability of the alleged father's parentage is 99.0% or higher, the alleged father  
15 shall be rebuttably presumed to be the child's parent.

16           **(5) (b)** If 2 or more identical series of genetic tests are performed upon the same  
17 person, regardless of whether the tests were ordered under this section or s. ~~49.225~~  
18 49.817 or 767.863 (2), the court shall require the person requesting the 2nd or  
19 subsequent series of tests to pay for the series in advance, unless the court finds that  
20 the person is indigent.

21           **SECTION 437.** 767.85 (2) of the statutes is amended to read:

22           **767.85 (2) CONSIDERATIONS.** Before making any temporary order under sub. (1),  
23 the court shall consider those factors that the court is required to consider when  
24 granting a final judgment on the same subject matter. If the court makes a  
25 temporary child support order that deviates from the amount of support that would

1 be required by using the percentage standard established by the department under  
2 s. ~~49.22~~ 49.811 (9), the court shall comply with the requirements of s. 767.511 (1n).

3 **SECTION 438.** 767.853 (2) of the statutes is amended to read:

4 767.853 (2) INFORMATION ACCESS TO DEPARTMENT AND CHILD SUPPORT AGENCIES.  
5 The clerk of circuit court shall provide access to the record of any pending paternity  
6 proceeding to the department or any county child support agency under s. 59.53 (5)  
7 for purposes related to administering the child and spousal support and  
8 establishment of paternity and medical support liability program under ss. ~~49.22~~  
9 49.811 and 59.53 (5), regardless of whether the department or county child support  
10 agency is a party to the proceeding.

11 **SECTION 439.** 767.863 (2) of the statutes is amended to read:

12 767.863 (2) ORDER FOR TESTS. If at the first appearance it appears from a  
13 sufficient petition or affidavit of the child's mother or an alleged father or from sworn  
14 testimony of the child's mother or an alleged father that there is probable cause to  
15 believe that any of the males named has had sexual intercourse with the mother  
16 during a possible time of the child's conception, the court may, or upon the request  
17 of any party shall, order any of the named persons to submit to genetic tests. The  
18 tests shall be conducted in accordance with s. 767.84. The court is not required to  
19 order a person who has undergone a genetic test under s. ~~49.225~~ 49.817 to submit to  
20 another genetic test under this subsection unless a party requests additional tests  
21 under s. 767.84 (2).

22 **SECTION 440.** 767.87 (1) (c) of the statutes is amended to read:

23 767.87 (1) (c) Genetic test results under s. ~~49.225~~ 49.817, 767.84, or 885.23.

24 **SECTION 441.** 767.893 (2) (b) 2. of the statutes is amended to read:

1           767.893 (2) (b) 2. The alleged father who fails to appear has had genetic tests  
2 under s. ~~49.225~~ 49.817 or 767.84 showing that the alleged father is not excluded and  
3 that the statistical probability of the alleged father's parentage is 99.0 percent or  
4 higher.

5           **SECTION 442.** 802.10 (1) of the statutes is amended to read:

6           802.10 (1) APPLICATION. This section applies to all actions and special  
7 proceedings except appeals taken to circuit court; actions seeking the remedy  
8 available by certiorari, habeas corpus, mandamus, prohibition, and quo warranto;  
9 actions in which all defendants are in default; provisional remedies; and actions  
10 under ss. ~~49.90~~ 49.039 and s. 66.0114 and chs. 48, 54, 102, 108, 227, 348, 767, 778,  
11 799 and 812, and proceedings under chs. 851 to 882.

12           **SECTION 443.** 803.03 (2) (a) and (bm) of the statutes are amended to read:

13           803.03 (2) (a) *Joinder of related claims.* A party asserting a claim for  
14 affirmative relief shall join as parties to the action all persons who at the  
15 commencement of the action have claims based upon subrogation to the rights of the  
16 party asserting the principal claim, derivation from the principal claim, or  
17 assignment of part of the principal claim. For purposes of this section, a person's  
18 right to recover for loss of consortium shall be deemed a derivative right. Any public  
19 assistance recipient or any estate of such a recipient asserting a claim against a 3rd  
20 party for which the public assistance provider has a right of subrogation or  
21 assignment under s. ~~49.89~~ 49.037 (2) or (3) shall join the provider as a party to the  
22 claim. Any party asserting a claim based upon subrogation to part of the claim of  
23 another, derivation from the rights or claim of another, or assignment of part of the  
24 rights or claim of another shall join as a party to the action the person to whose rights



1 the party is subrogated, from whose claim the party derives his or her rights or claim,  
2 or by whose assignment the party acquired his or her rights or claim.

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

11 **SECTION 444.** 812.30 (9) of the statutes is amended to read:

12 812.30 (9) "Need-based public assistance" means aid to families with  
13 dependent children, relief funded by a relief block grant under ch. 49, relief provided  
14 by counties under s. 59.53 (21), ~~medical assistance~~ Medical Assistance,  
15 supplemental security income, ~~food stamps~~ supplemental nutrition assistance  
16 program benefits, or benefits received by veterans under s. 45.40 (1m) or under 38  
17 USC 501 to 562.

18 **SECTION 445.** 812.44 (4) 2. (form) of the statutes is amended to read:

19 812.44 (4) 2. (form) You receive aid to families with dependent children, relief  
20 funded by a relief block grant under ch. 49, relief provided by counties under section  
21 s. 59.53 (21) of the Wisconsin Statutes, ~~medical assistance~~ Medical Assistance,  
22 supplemental security income, ~~food stamps~~ supplemental nutrition assistance  
23 program benefits, or veterans benefits based on need under 38 USC 501 to 562 or  
24 section 45.351 (1) of the Wisconsin Statutes, or have received these benefits within  
25 the past 6 months.

1           **SECTION 446.** 812.44 (5) 2. (form) of the statutes is amended to read:

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

8           **SECTION 447.** 813.12 (5) (b) of the statutes is amended to read:

9           813.12 (5) (b) The clerk of circuit court shall provide the simplified forms  
10          provided under s. ~~49.165~~ 49.217 (3) (c) to help a person file a petition.

11          **SECTION 448.** 814.03 (3) of the statutes is amended to read:

12          814.03 (3) Notwithstanding subs. (1) and (2), where the department of health  
13          services or a county is joined as a plaintiff pursuant to ss. ~~49.89~~ 49.037 (2) and 803.03  
14          (2) (a) because of the provision of benefits under subch. IV of ch. 49, the department  
15          of health services or the county shall not be liable for costs to any prevailing  
16          defendant.

17          **SECTION 449.** 814.29 (1) (d) 1. of the statutes is amended to read:

18          814.29 (1) (d) 1. That the person is a recipient of means-tested public  
19          assistance, including aid to families with dependent children, relief funded by a relief  
20          block grant under ch. 49, relief provided by counties under s. 59.53 (21), ~~medical~~  
21          ~~assistance~~ Medical Assistance, supplemental security income, ~~food stamps~~  
22          supplemental nutrition assistance program benefits, or benefits received by  
23          veterans under s. 45.40 (1m) or under 38 USC 501 to 562.

24          **SECTION 450.** 815.18 (13) (a) of the statutes is amended to read:

25          815.18 (13) (a) Assistance benefits exempt under s. ~~49.96~~ 49.043.

1           **SECTION 451.** 859.07 (2) (a) 2. of the statutes is amended to read:

2           859.07 (2) (a) 2. The decedent was responsible for any obligation owing to the  
3 state or a county under s. 46.03 (18), 46.10, 48.36, ~~49.32~~ 49.06 (1), 49.345, 301.03 (18),  
4 301.12, or 938.36.

5           **SECTION 452.** 859.15 of the statutes is amended to read:

6           **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11),  
7 ~~49.08~~, 49.195 (1), 49.345 (11), ~~49.808~~, and 301.12 (11), a claim shall not be allowed  
8 that was barred by any statute of limitations at the time of the decedent's death. A  
9 claim shall not be barred by statutes of limitation that was not barred at the time of  
10 the decedent's death if the claim is filed against the decedent's estate in the court on  
11 or before the deadline for filing a claim under s. 859.01.

12           **SECTION 453.** 885.01 (5) of the statutes is amended to read:

13           885.01 (5) By the department of children and families or a county child support  
14 agency under s. 59.53 (5) in the administration of ss. 49.145, 49.19, ~~49.22~~, 49.46,  
15 49.47, ~~and 49.471~~, ~~and 49.811~~ and programs carrying out the purposes of 7 USC 2011  
16 to ~~2029~~ 2036.

17           **SECTION 454.** 895.45 (1) (a) of the statutes is amended to read:

18           895.45 (1) (a) "Abusive conduct" means domestic abuse, as defined under s.  
19 ~~49.165~~ 49.217 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under  
20 s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault  
21 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under  
22 ss. 948.02 to 948.11.

23           **SECTION 455.** 938.30 (6) (b) of the statutes is amended to read:

24           938.30 (6) (b) If it appears to the court that disposition of the case may include  
25 placement of the juvenile outside the juvenile's home, the court shall order the

1 juvenile's parent to provide a statement of the income, assets, debts, and living  
2 expenses of the juvenile and the juvenile's parent to the court or the designated  
3 agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
4 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
5 provide, without charge, to any parent ordered to provide that statement a document  
6 setting forth the percentage standard established by the department of children and  
7 families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider  
8 under s. 301.12 (14) (c).

9 **SECTION 456.** 938.31 (7) (b) of the statutes is amended to read:

10 938.31 (7) (b) If it appears to the court that disposition of the case may include  
11 placement of the juvenile outside the juvenile's home, the court shall order the  
12 juvenile's parent to provide a statement of the income, assets, debts, and living  
13 expenses of the juvenile and the juvenile's parent, to the court or the designated  
14 agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
15 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
16 provide, without charge, to any parent ordered to provide the statement a document  
17 setting forth the percentage standard established by the department of children and  
18 families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider  
19 under s. 301.12 (14) (c).

20 **SECTION 457.** 938.357 (5m) (a) of the statutes is amended to read:

21 938.357 (5m) (a) If a proposed change in placement would change a juvenile's  
22 placement from a placement in the juvenile's home to a placement outside the  
23 juvenile's home, the court shall order the juvenile's parent to provide a statement of  
24 the income, assets, debts, and living expenses of the juvenile and the juvenile's  
25 parent to the court or the person or agency primarily responsible for implementing

1 the dispositional order by a date specified by the court. The clerk of court shall  
2 provide, without charge, to any parent ordered to provide that statement a document  
3 setting forth the percentage standard established by the department of children and  
4 families under s. ~~49.22~~ 49.811 (9) and listing the factors under s. 301.12 (14) (c). If  
5 the juvenile is placed outside the juvenile's home, the court shall determine the  
6 liability of the parent in the manner provided in s. 301.12 (14).

7 **SECTION 458.** 938.36 (1) (b) of the statutes is amended to read:

8 938.36 (1) (b) In determining the amount of support under par. (a), the court  
9 may consider all relevant financial information or other information relevant to the  
10 parent's earning capacity, including information reported under s. ~~49.22~~ 49.811 (2m)  
11 to the department of children and families, or the county child support agency, under  
12 s. 59.53 (5). If the court has insufficient information with which to determine the  
13 amount of support, the court shall order the juvenile's parent to furnish a statement  
14 of the income, assets, debts, and living expenses of the juvenile and the juvenile's  
15 parent, if the parent has not already done so, to the court within 10 days after the  
16 court's order transferring custody or designating an alternative placement is entered  
17 or at such other time as ordered by the court.

18 **SECTION 459.** 938.363 (1) (c) of the statutes is amended to read:

19 938.363 (1) (c) If the proposed revision is for a change in the amount of child  
20 support to be paid by a parent, the court shall order the juvenile's parent to provide  
21 a statement of the income, assets, debts, and living expenses of the juvenile and the  
22 juvenile's parent to the court and the person or agency primarily responsible for  
23 implementing the dispositional order by a date specified by the court. The clerk of  
24 court shall provide, without charge, to any parent ordered to provide that statement  
25 a document setting forth the percentage standard established by the department of

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

3 **SECTION 460.** 946.90 (title) of the statutes is created to read:

4 **946.90 (title) Wisconsin Works fraud.**

5 **SECTION 461.** 946.90 (1) of the statutes is created to read:

6 946.90 (1) In this section:

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

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

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

12 **SECTION 462.** 946.90 (2) of the statutes is created to read:

13 946.90 (2) Whoever does any of the following is guilty of a Class A  
14 misdemeanor:

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

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

23 **SECTION 463.** 946.91 (title), (1) and (2) (intro.) of the statutes are created to  
24 read:

25 **946.91 (title) Medical Assistance fraud. (1)** In this section:

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

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

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

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

12 **SECTION 464.** 946.92 (1) (e) and (3) (a) (intro.) of the statutes are created to read:

13 946.92 (1) (e) "Supplemental nutrition assistance program" has the meaning  
14 given in s. 49.79 (1) (fg).

15 (3) (a) (intro.) If a person violates sub. (2), any of the following applies:

16 **SECTION 465.** 946.93 of the statutes is created to read:

17 **946.93 Public assistance fraud.** (1) In this section, "public assistance"  
18 means any aid, benefit, or services provided under ch. 49.

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

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

23 (a) Having knowledge of an event affecting the initial or continued eligibility  
24 for public assistance, conceal or fail to disclose that event with an intent to

1 fraudulently secure public assistance, including payment either in a greater amount  
2 or quantity than is due or when no such benefit or payment is authorized.

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

6 (c) Fail to notify the public assistance agency within 10 days of any change in  
7 circumstances for which notification by the recipient must be provided under law,  
8 unless a different time period is required under the applicable public assistance  
9 program.

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

13 (e) If a person violates par. (a), (b), (c), or (d), any of the following applies:

14 1. If the value of the payment or benefit does not exceed \$300, the person may  
15 be required to forfeit not more than \$1,000.

16 2. If the value of the payment or benefit is more than \$300 but does not exceed  
17 \$1,000, the person may be fined not more than \$250 or imprisoned for not more than  
18 6 months, or both.

19 3. If the value of the payment or benefit is more than \$1,000 but does not exceed  
20 \$2,000, the person is guilty of a Class A misdemeanor.

21 4. If the value of the payment or benefit is more than \$2,000 but does not exceed  
22 \$5,000, the person is guilty of a Class I felony.

23 5. If the value of the payment or benefit is more than \$5,000 but does not exceed  
24 \$10,000, the person is guilty of a Class H felony.



1           6. If the value of the payment or benefit is more than \$10,000, the person is  
2 guilty of a Class G felony.

3           (4) (a) A person who obtains money, goods, services, or any other thing of value  
4 because he or she sends or brings a person to a county department, tribal governing  
5 body, or Wisconsin Works agency for the purpose of obtaining public assistance is  
6 guilty of a Class C misdemeanor.

7           (b) This subsection does not apply to an employee who obtains money, goods,  
8 services, or any other thing of value from an employer who has a bona fide  
9 employment relationship with the employee and the employee assists persons to  
10 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.

11           (5) (a) Whoever solicits or receives money, goods, services, or any other thing  
12 of value in return for referring an individual to a person for the furnishing or  
13 arranging for the furnishing of any item or service for which a public assistance  
14 payment may be made in whole or in part, or in return for purchasing, leasing,  
15 ordering, or arranging for or recommending purchasing, leasing, or ordering any  
16 good, facility, service, or item for which public assistance payment may be made in  
17 whole or in part, is guilty of a Class H felony, except that, notwithstanding the  
18 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
19 \$25,000.

20           (b) Whoever offers or pays money, goods, services, or any other thing of value  
21 to any person to induce the person to refer an individual to a person for the furnishing  
22 or arranging for the furnishing of any item or service for which public assistance

1 payment may be made in whole or in part, or to purchase, lease, order, or arrange for  
2 or recommend purchasing, leasing, or ordering any good, facility, service, or item for  
3 which public assistance payment may be made in whole or in part, is guilty of a Class  
4 H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)  
5 (h), the person may be fined not more than \$25,000.

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

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

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

14 (6) Whoever makes any statement in a written application for public  
15 assistance shall be considered to have made an admission as to the existence,  
16 correctness, or validity of any fact stated. Such a statement shall be considered to  
17 be prima facie evidence against the person making it in any complaint, information,  
18 or indictment, or in any action brought for enforcement of any provision of this  
19 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.

20 **SECTION 466.** 948.22 (1) (a), (b) and (c) and (4) (b) of the statutes are amended  
21 to read:

22 948.22 (1) (a) "Child support" means an amount which a person is ordered to  
23 provide for support of a child by a court of competent jurisdiction in this state or in

1 another state, territory or possession of the United States, or, if not ordered, an  
2 amount that a person is legally obligated to provide under s. ~~49.90~~ 49.039.

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

5 (c) "Spousal support" means an amount which a person is ordered to provide  
6 for support of a spouse or former spouse by a court of competent jurisdiction in this  
7 state or in another state, territory or possession of the United States, or, if not  
8 ordered, an amount that a person is legally obligated to provide under s. ~~49.90~~  
9 49.039.

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

16 **SECTION 467.** 948.45 (2) of the statutes is amended to read:

17 948.45 (2) Subsection (1) does not apply to a person who has under his or her  
18 control a child who has been sanctioned under s. ~~49.26~~ 49.198 (1) (h).

19 **SECTION 468.** 973.055 (3) of the statutes is amended to read:

20 973.055 (3) All moneys collected from domestic abuse surcharges shall be  
21 ~~deposited~~ credited by the secretary of administration ~~in~~ to the appropriation account  
22 under s. 20.437 (1) (hh) and utilized in accordance with s. ~~49.165~~ 49.217.

23 **SECTION 469.** 977.01 (2) of the statutes is amended to read:

24 977.01 (2) "Public assistance" means relief provided by counties under s. 59.53  
25 (21), Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, ~~medical assistance~~ Medical

1 Assistance under subch. IV of ch. 49, low-income energy assistance under s. 16.27,  
2 weatherization assistance under s. 16.26, and the ~~food-stamp~~ supplemental  
3 nutrition assistance program under 7 USC 2011 to ~~2029~~ 2036.

4 **SECTION 470.** 977.06 (4) (bm) of the statutes is amended to read:

5 977.06 (4) (bm) In response to a request for information under s. ~~49.22~~ 49.811  
6 (2m) made by the department of children and families or a county child support  
7 agency under s. 59.53 (5), the state public defender shall provide the name and  
8 address of an individual, the name and address of the individual's employer, and  
9 financial information related to the individual, if the name, address, or financial  
10 information is included in any statement, affidavit, or other information provided by  
11 the individual regarding financial eligibility under s. 977.07 and if, at the time the  
12 request for information is made, the individual is represented by the state public  
13 defender or by counsel assigned under s. 977.08.

14 **SECTION 471.** 978.05 (4m) of the statutes is amended to read:

15 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the departments  
16 of children and families and health services regarding the fraud investigation  
17 programs under ss. 49.019 (1) and 49.197 (1m) and 49.845 (1).

18 **SECTION 472.** 978.06 (6) of the statutes is amended to read:

19 978.06 (6) No district attorney, deputy district attorney, or assistant district  
20 attorney may appear in a civil action or proceeding under s. ~~49.22~~ 49.811 (7), 59.53  
21 (5), 767.205 (2), 767.501, or 767.80 or ch. 769.

22 **SECTION 473.** 995.67 (1) (a) of the statutes is amended to read:

23 995.67 (1) (a) "Domestic abuse" has the meaning given in s. ~~49.165~~ 49.217 (1)  
24 (a).

25 **SECTION 474. Nonstatutory provisions.**

4 (a)

1 (1) PUBLIC ASSISTANCE APPLICATIONS; RULES. The department of children and  
2 families shall submit in proposed form the rules required under section 49.006 (3)  
3 of the statutes, as created by this act, to the legislative council staff under section  
4 227.15 (1) of the statutes no later than the first day of the 3rd month beginning after  
5 the effective date of this subsection. *paragraph*

INS  
182-5

3rd month  
7th

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

**SECTION 475. Initial applicability.**

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

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

19 (3) REVIEW OF WISCONSIN SHARES DECISIONS. The treatment of sections 49.152  
20 (1) and 49.1525 of the statutes first applies to applications that are filed and actions  
21 of the department of children and families that occur on the first day of the 15th  
22 month after the effective date of the subsection. *25th*

23 **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.

1 (4) PUBLIC ASSISTANCE FRAUD. The treatment of section 946.93 of the statutes  
2 first applies to acts and omissions that occur on the effective date of this subsection.

3 SECTION 476. Effective dates. This act takes effect on February 1, 2012,

4 except as follows: *the day after publication*

5 (1) The treatment of section 49.46 (1) (n) (by SECTION 210) of the statutes takes  
6 effect on January 1, 2015.

7 (END)

Ins 182-5

nonstat.  
par  
Ⓐ (b) The department<sup>✓</sup> of health services shall submit in proposed form the rules required under section 49.006(3)<sup>✓</sup> of the statutes, as created by this act, to the legislative council staff under section 227.15(1) of the statutes no later than the first day of the 6<sup>th</sup><sup>✓</sup> month beginning after the effective date of this paragraph. ⓪

(end ins 182-5)

**Godwin, Gigi**

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**From:** Henning, Anna  
**Sent:** Wednesday, January 18, 2012 1:20 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2257/1 Topic: Public assistance program integrity committee draft

Please Jacket LRB 11-2257/1 for the SENATE.